

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
EIGHTY-EIGHTH CONGRESS
OF THE UNITED STATES OF AMERICA

1964

AND

TWENTY-FOURTH AMENDMENT TO THE
CONSTITUTION AND PROCLAMATIONS

VOLUME 78

IN ONE PART



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Public Laws

ENACTED DURING THE

SECOND SESSION OF THE EIGHTY-EIGHTH CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Tuesday, January 7, 1964, and adjourned sine die on Saturday, October 3, 1964. LYNDON B. JOHNSON, President; JOHN W. McCORMACK, Speaker of the House of Representatives; CARL HAYDEN, President pro tempore of the Senate.

Public Law 88-259

AN ACT

To provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes.

January 22, 1964
[H. R. 7406]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Inter-American Development Bank Act (73 Stat. 299; 22 U.S.C. 283-283i), is amended by adding at the end thereof the following new section:

Inter-American
Development Bank.
U.S. participa-
tion.

"SEC. 13. The United States Governor of the Bank is hereby authorized (1) to vote (A) for increases in the authorized capital stock of the Bank under article II, section 2, of the agreement, and (B) for an increase in the resources of the Fund for Special Operations under article IV, section 3, of the agreement, all as recommended by the Executive Directors in a report dated March 18, 1963, to the Board of Governors of the Bank; (2) to agree on behalf of the United States to subscribe to its proportionate share of the \$1,000,000,000 increase in the authorized callable capital stock of the Bank; and (3) to vote for an amendment to article VIII, section 3, of the agreement to provide that the Board of Governors may, upon certain conditions, increase by one the number of Executive Directors."

SEC. 2. (a) There is hereby authorized to be appropriated, without fiscal year limitation, for payment of the increased United States subscription to the capital stock of the Inter-American Development Bank, \$411,760,000.

Appropriation.

(b) There is hereby authorized to be appropriated, for payment of the increased United States subscription to the Fund for Special Operations of the Inter-American Development Bank, \$50,000,000.

Approved January 22, 1964.

Public Law 88-260

JOINT RESOLUTION

January 23, 1964
[S. J. Res. 136]

Providing for renaming the National Cultural Center as the John F. Kennedy Center for the Performing Arts, authorizing an appropriation therefor, and for other purposes.

Whereas the late John Fitzgerald Kennedy served with distinction as President of the United States, and as a Member of the Senate and House of Representatives; and

Whereas the late John Fitzgerald Kennedy dedicated his life to the advancement of the welfare of mankind; and

Whereas the late John Fitzgerald Kennedy was particularly devoted to the advancement of the performing arts within the United States; and

Whereas by his untimely death this Nation and the world has suffered a great loss; and

Whereas it is the sense of the Congress that it is only fitting and proper that a suitable monument be dedicated to the memory of this great leader; and

Whereas the living memorial to be named in his honor by this joint resolution shall be the sole national monument to his memory within the city of Washington and its environs: Now, therefore, be it

John F. Kennedy
Center for the
Performing Arts.
Designation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Cultural Center Act (Public Law 85-874; 72 Stat. 1698) is amended as follows:

(1) In section 1 by striking out "National Cultural Center Act" and inserting in lieu thereof "John F. Kennedy Center Act";

(2) By striking out "National Cultural Center" each place that it appears in such Act (including the title of such Act but excluding clauses (2) and (3) of subsection (b) of section 2 of such Act) and inserting in lieu thereof at each such place the following: "John F. Kennedy Center for the Performing Arts";

(3) In section 4—

(A) by striking out "and" at the end of paragraph (3),

(B) by striking out "Cultural Center." in paragraph (4) of section 4 of such Act and inserting in lieu thereof "John F. Kennedy Center for the Performing Arts," and

(C) by adding at the end thereof the following:

"(5) provide within the John F. Kennedy Center for the Performing Arts a suitable memorial in honor of the late President."

(4) In subsection (c) of section 6 of such Act by inserting immediately after "Smithsonian Institution" the following: "and to Congress";

(5) By adding at the end of section 6 the following new subsection:

Report to
Congress.

"(d) The Board shall transmit to Congress a detailed report of any memorial which it proposes to provide within the John F. Kennedy Center for the Performing Arts under authority of paragraph (5) of section 4 of this Act, and no such memorial shall be provided until the Board of Regents of the Smithsonian Institution shall have approved such memorial."; and

(6) By adding at the end thereof the following new sections:

"APPROPRIATIONS

"SEC. 8. There is hereby authorized to be appropriated to the Board for use in accordance with this Act, amounts which in the aggregate will equal gifts, bequests, and devises of money, securities, and other property, held by the Board under this Act, except that not to exceed \$15,500,000 shall be appropriated pursuant to this section.

“BORROWING AUTHORITY

“SEC. 9. To finance necessary parking facilities for the Center, the Board may issue revenue bonds to the Secretary of the Treasury payable from revenues accruing to the Board. The total face value of all bonds so issued shall not be greater than \$15,400,000. The interest payments on such bonds may be deferred with the approval of the Secretary of the Treasury but any interest payments so deferred shall themselves bear interest after June 30, 1972. Deferred interest may not be charged against the debt limitation of \$15,400,000. Such obligations shall have maturities agreed upon by the Board and the Secretary of the Treasury but not in excess of fifty years. Such obligations may be redeemable at the option of the Board before maturity in such manner as may be stipulated in such obligations, but the obligations thus redeemed shall not be refinanced by the Board. Each such obligation shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average rate on current marketable obligations of the United States of comparable maturities as of the last day of the month preceding the issuance of the obligations of the Board. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Board to be issued under this section and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of the Board's obligations under this section.

40 Stat. 288.
31 USC 774.

“GIFTS TO UNITED STATES

“SEC. 10. The Secretary of the Treasury is authorized to accept on behalf of the United States any gift to the United States which he finds has been contributed in honor of or in memory of the late President John F. Kennedy and to pay the money to such appropriation or other accounts, including the appropriation accounts established pursuant to appropriations authorized by this Act, as in his judgment will best effectuate the intent of the donor.

“NATIONAL MEMORIAL

“SEC. 11. The John F. Kennedy Center for the Performing Arts, designated by this Act, shall be the sole national memorial to the late John Fitzgerald Kennedy within the city of Washington and its environs.”

SEC. 2. In addition to the amendments made by the first section of this Act, any designation or reference to the National Cultural Center in any other law, map, regulation, document, record, or other paper of the United States shall be held to designate or refer to such Center as the John F. Kennedy Center for the Performing Arts.

Approved January 23, 1964.

Public Law 88-261

January 28, 1964
[S. 1604]

AN ACT

To amend the provisions of the Agricultural Adjustment Act of 1938, as amended, relating to the transfer of producer rice acreage allotments.

Agriculture.
Rice acreage
allotments.
76 Stat. 20.
7 USC 1353.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (f) of section 353 of the Agricultural Adjustment Act of 1938, as added by Public Law 87-412, is amended in paragraph (3), clause (i) thereof, by adding immediately following the word "acquire" the language ", except for land," and by striking out the language ", and any land owned by the transferor to which any of the transferred rice history acreage may be ascribed".

Approved January 28, 1964.

Public Law 88-262

January 31, 1964
[S. 2079]

AN ACT

To provide for the striking of three different medals in commemoration of the Federal Hall National Memorial, Castle Clinton National Monument, and Statue of Liberty National Monument American Museum of Immigration in New York City, New York.

New York na-
tional historic
shrines.
Commemorative
medals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of three congressionally designated national historic shrines located in New York City, New York, scheduled by the National Park Service of the United States Department of the Interior for official opening during the New York World's Fair, 1964-1965, namely, Federal Hall National Memorial, Castle Clinton National Monument, and Statue of Liberty National Monument American Museum of Immigration, the Secretary of the Treasury is authorized and directed to strike and furnish to the New York City National Shrines Advisory Board a Liberty Series of three different medals of a grand total of no more than seven hundred and sixty-five thousand medals with suitable emblems, devices, and inscriptions to be determined by the New York City National Shrines Advisory Board and subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by the advisory board in quantities of not less than two thousand. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes.

31 USC 368.

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such cost.

SEC. 3. The medals authorized to be issued pursuant to this bill shall be of such size or sizes and of such metals as shall be determined by the Secretary of the Treasury in consultation with such advisory board.

SEC. 4. After December 31, 1965, no further medals shall be struck under the authority of this Act.

Approved January 31, 1964.

Public Law 88-263

JOINT RESOLUTION

To amend the joint resolution of January 28, 1948, relating to membership and participation by the United States in the South Pacific Commission, so as to authorize certain appropriations thereunder for the fiscal years 1965 and 1966.

January 31, 1964
[H. J. Res. 779]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the joint resolution entitled "Joint resolution providing for membership and participation by the United States in the South Pacific Commission and authorizing an appropriation therefor", approved January 28, 1948 (22 U.S.C. 280b(a)), is amended by striking out "\$100,000 annually" and inserting in lieu thereof "\$150,000 for the fiscal year 1965, and \$150,000 for the fiscal year 1966,".

South Pacific
Commission.
Appropriations.

62 Stat. 15;
74 Stat. 141.

Approved January 31, 1964.

Public Law 88-264

AN ACT

To amend the Small Business Act, and for other purposes.

February 5, 1964
[S. 1309]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (2) of section 7(b) of the Small Business Act is amended to read as follows:

Small Business
Act, amendment.
72 Stat. 389.
15 USC 636.

"(2) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to any small business concern located in an area affected by a disaster, if the Administration determines that the concern has suffered a substantial economic injury as a result of such disaster and if such disaster constitutes—

"(A) a major disaster, as determined by the President under the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes', approved September 30, 1950, as amended (42 U.S.C. 1855-1855g), or

64 Stat. 1109.

"(B) a natural disaster, as determined by the Secretary of Agriculture pursuant to the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961);".

75 Stat. 311.

(b) Section 7(b) of such Act is further amended by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and", and by adding after paragraph (3) a new paragraph as follows:

"(4) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in reestablishing its business if the Administration determines that such concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes."

72 Stat. 395.
15 USC 645.

SEC. 2. Section 16 of the Small Business Act is amended by adding thereto the following new subsection:

"(c) Whoever, with intent to defraud, knowingly conceals, removes, disposes of, or converts to his own use or to that of another, any property mortgaged or pledged to, or held by, the Administration, shall be fined not more than \$5,000 or imprisoned not more than five years, or both; but if the value of such property does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

Approved February 5, 1964.

Public Law 88-265

AN ACT

February 5, 1964
[H. R. 4801]

To amend subsection 506(d) of the Federal Property and Administrative Services Act of 1949, as amended, regarding certification of facts based upon transferred records.

Records man-
agement.
Certification of
facts.
64 Stat. 586.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 506(d) of the Federal Property and Administrative Services Act of 1949 (44 U.S.C. 396) be amended by striking out the period at the end of said subsection and substituting a comma in lieu thereof, and adding, "and may authorize the Administrator to certify to facts and to make administrative determinations on the basis of records transferred to the Administrator, notwithstanding any other provisions of law."

Approved February 5, 1964.

Public Law 88-266

AN ACT

February 5, 1964
[H. R. 1959]

To authorize the transportation of privately owned motor vehicles of Government employees assigned to duty in Alaska, and for other purposes.

74 Stat. 797.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1(f) of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-1(f)) is amended by adding at the end thereof a new sentence as follows: "For the purposes of this subsection and subsection (e), Alaska shall be considered to be outside the continental limits of the United States."

Approved February 5, 1964.

Public Law 88-267

AN ACT

February 7, 1964
[H. R. 5377]

To amend the Civil Service Retirement Act in order to correct an inequity in the application of such Act to the Architect of the Capitol and the employees of the Architect of the Capitol, and for other purposes.

Architect of the
Capitol and em-
ployees.
Retirement.
70 Stat. 743.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1(c) of the Civil Service Retirement Act, as amended (5 U.S.C. 2251(c)), is amended by inserting "the Architect of the Capitol and the employees of the Architect of the Capitol," immediately following "official duties,".

(b) Section 2(c) of such Act, as amended (5 U.S.C. 2252(c)), is amended by inserting "(other than the Architect of the Capitol and the employees of the Architect of the Capitol)" immediately following "congressional employee".

(c) Section 2(d) of such Act, as amended (5 U.S.C. 2252(d)), is amended by inserting ", except as provided under subsection (f)," immediately following "temporary congressional employee".

(d) Section 5(d) of such Act, as amended (5 U.S.C. 2255(d)), is amended by striking out "to the Architect of the Capitol or any employee under the office of the Architect of the Capitol,".

SEC. 2. The provisions under the heading "CIVIL SERVICE RETIREMENT AND DISABILITY FUND" in title I of the Independent Offices Appropriation Act, 1959 (72 Stat. 1064; Public Law 85-844), shall not apply with respect to benefits resulting from the enactment of this Act. 5 USC 2267
note.

SEC. 3. The amendments made by the first section of this Act shall not apply in the case of employees retired or otherwise separated prior to the date of enactment of this Act. The rights of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been enacted. Nonapplicability.

Approved February 7, 1964.

Public Law 88-268

JOINT RESOLUTION

Making supplemental appropriations for the fiscal year ending June 30, 1964, for certain activities of the Department of Health, Education, and Welfare related to mental retardation, and for other purposes.

February 10, 1964
[H. J. Res. 875]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1964, namely:

Supplemental appropriations.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

EDUCATIONAL IMPROVEMENT FOR THE HANDICAPPED

For grants for training and research and demonstrations with respect to handicapped children pursuant to the Act of September 6, 1958, as amended (20 U.S.C. 611-617), and section 302 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (Public Law 88-164), and for salaries and expenses in connection therewith, \$11,685,000, of which not to exceed \$185,000 shall be for such salaries and expenses, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a): *Provided*, That the unexpended balances of the funds appropriated for "Expansion of teaching in education of the mentally retarded" and "Expansion of teaching in education of the deaf" in the Department of Health, Education, and Welfare Appropriation Act, 1964, shall be merged with this appropriation.

72 Stat. 1777.

77 Stat. 295.
20 USC 618.

60 Stat. 810.

PUBLIC HEALTH SERVICE

CHRONIC DISEASES AND HEALTH OF THE AGED

For an additional amount for "Chronic diseases and health of the aged", \$2,277,000, of which \$2,200,000 shall be available for grants under title XVII of the Social Security Act for planning comprehensive action to combat mental retardation.

77 Stat. 275.
42 USC 1391.

HOSPITAL CONSTRUCTION ACTIVITIES

For an additional amount for "Hospital construction activities", \$5,049,000, of which \$5,000,000 shall be available until expended for grants under part B of the Mental Retardation Facilities Construction Act (Public Law 88-164).

77 Stat. 284.
42 USC 2661.

GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES

For an additional amount for "Grants for construction of health research facilities", \$6,000,000, to be available for grants under part D of title VII of the Public Health Service Act.

70 Stat. 717-721.
42 USC 295.

SOCIAL SECURITY ADMINISTRATION

GRANTS FOR MATERNAL AND CHILD WELFARE

For an additional amount for "Grants for maternal and child welfare", \$16,500,000, of which \$5,000,000 shall be available for maternal and child health services, \$5,000,000 for services for crippled children, \$5,000,000 for special project grants for maternity and infant care pursuant to section 531 of the Social Security Act, and \$1,500,000 for research projects relating to maternal and child health and crippled children's services: *Provided*, That \$1,250,000 of the additional amount appropriated herein for maternal and child health services which is available under section 502(b) of the Social Security Act shall be used only for special projects for mentally retarded children, and \$1,250,000 of the additional amount appropriated herein for services for crippled children which is available under section 512(b) of such Act, shall be used only for special projects for services for crippled children who are mentally retarded.

77 Stat. 274.
42 USC 729.

42 USC 702.

42 USC 712.

SALARIES AND EXPENSES, CHILDREN'S BUREAU

For an additional amount for "Salaries and expenses, Children's Bureau", \$375,000.

GENERAL PROVISION

Funds for salaries and expenses included in the foregoing paragraphs may be transferred between the appropriations contained herein.

OFFICE OF EDUCATION

PAYMENTS TO SCHOOL DISTRICTS

For an additional amount for "Payments to school districts", \$216,204,000.

DEFENSE EDUCATIONAL ACTIVITIES

For an additional amount for "Defense educational activities," \$31,168,000 for capital contributions to student loan funds which shall be available, without allotment under section 202(a), or apportionment under section 203(a), of the National Defense Education Act of 1958 (72 Stat. 1583), for payment to institutions, which have filed applications for contributions between December 14, 1962, and February 28, 1963, inclusive. 20 USC 422, 423.

DEPARTMENT OF LABOR

BUREAU OF EMPLOYMENT SECURITY

COMPLIANCE ACTIVITIES, MEXICAN FARM LABOR PROGRAM

For an additional amount for "Compliance activities, Mexican farm labor program", \$430,000.

SALARIES AND EXPENSES, MEXICAN FARM LABOR PROGRAM

For an additional amount for "Salaries and expenses, Mexican farm labor program", \$165,000, which shall be derived by transfer from the farm labor supply revolving fund.

Approved February 10, 1964.

Public Law 88-269

AN ACT

To amend the Library Services Act in order to increase the amount of assistance under such Act and to extend such assistance to nonrural areas.

February 11, 1964
[S. 2265]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Library Services
Act, amendment.
Federal assistance, increase.

EXTENSION OF ACT TO NONRURAL AREAS

SECTION 1. (a) (1) Section 2 of the Library Services Act is amended by striking out "rural". 70 Stat. 293.
20 USC 351.

(2) Section 3 of such Act is amended by striking out "rural".

(b) Section 4 of such Act is amended by striking out "rural" wherever it appears therein.

(c) (1) So much of section 5(a) of such Act as precedes paragraph (1) is amended by striking out "to rural areas".

(2) Paragraph (3) of such section is amended by striking out "rural".

(d) Section 8(b) of such Act is amended by striking out "in rural areas". 20 USC 357.

(e) Section 9 of such Act is amended by striking out paragraph (e) and by striking out "; and" at the end of paragraph (d) and inserting in lieu thereof a period.

(f) The amendment made by subsection (a) (2) shall apply in the case of appropriations for fiscal years beginning after June 30, 1964. The amendments made by subsection (b) shall apply in the case of allotments from appropriations for fiscal years beginning after June 30, 1964. The amendments made by subsection (c) shall apply in the case of expenditures under State plans for periods after June 30, 1964. The amendment made by subsection (e) shall become effective July 1, 1964.

EXTENSION AND INCREASE OF AUTHORIZATION

20 USC 352.

SEC. 2. Section 3 of the Library Services Act is amended by striking out "is hereby" and inserting in lieu thereof "are"; by striking out "nine succeeding fiscal years" and inserting in lieu thereof "next six fiscal years"; and by inserting ", for the fiscal year ending June 30, 1964, the sum of \$25,000,000, and for each of the next two fiscal years such sums as the Congress may determine," after "\$7,500,000".

INCREASE IN MINIMUM ALLOTMENTS; AVAILABILITY OF ALLOTMENTS

74 Stat. 571;
76 Stat. 587.
20 USC 353.

SEC. 3. (a) Effective in the case of allotments from appropriations for fiscal years beginning after June 30, 1963, section 4 of the Library Services Act is amended by striking out "\$10,000" and inserting in lieu thereof "\$25,000", and by striking out "\$40,000" and inserting in lieu thereof "\$100,000".

(b) Such section is further amended by adding at the end thereof the following new sentence: "The allotment to any State under this section for the fiscal year ending June 30, 1964, shall be available for payments to such State with respect to expenditures under its approved State plan during such year and the next fiscal year."

DEVELOPMENT OF LIBRARY SERVICES FOR ALL STUDENTS

20 USC 354.

SEC. 4. Effective July 1, 1963, section 5(a) (3) of the Library Services Act is amended by striking the word "rural".

INCREASE IN MINIMUM STATE EXPENDITURES REQUIRED

20 USC 355.

SEC. 5. Effective in the case of payments from allotments for fiscal years beginning after June 30, 1963, subsection (a) of section 6 of the Library Services Act is amended by striking out "\$10,000" and inserting in lieu thereof "\$25,000", by striking out "\$40,000" and inserting in lieu thereof "\$100,000", and by striking out "June 30, 1956" wherever it appears therein and inserting in lieu thereof "June 30, 1963".

PAYMENT PROCEDURE

SEC. 6. Effective in the case of payments from allotments for fiscal years beginning after June 30, 1963, subsection (b) of section 6 of the Library Services Act is amended to read as follows:

"(b) Prior to each period for which a payment is to be made under subsection (a), but not less often than semiannually, the Commissioner shall estimate the amount to which each State will be entitled under subsection (a) for such period; and the amount so estimated shall be paid, in such installments and at such time or times as the Commissioner may determine, after necessary adjustment on account of any previously made overpayment or underpayment under this section."

CONSTRUCTION GRANTS

SEC. 7. (a) The Library Services Act is further amended by inserting "TITLE I—PUBLIC LIBRARY SERVICES" after section 2, by redesignating sections 3, 4, 5, and 6, and references thereto, as sections 101, 102, 103, and 104, respectively, and by inserting after such sections the following new title:

"TITLE II—PUBLIC LIBRARY CONSTRUCTION**"AUTHORIZATION OF APPROPRIATIONS**

"SEC. 201. There are authorized to be appropriated for the fiscal year ending June 30, 1964, the sum of \$20,000,000, and for each of the next two fiscal years such sums as the Congress may determine, which shall be used for making payments to States, which have submitted and had approved by the Commissioner, State plans for the construction of public libraries.

"ALLOTMENTS

"SEC. 202. From the sums appropriated pursuant to section 201 for each fiscal year, the Commissioner shall allot \$20,000 each to Guam, American Samoa, and the Virgin Islands, and \$80,000 to each of the other States, and shall allot to each State such part of the remainder of such sums as the population of the State bears to the population of the United States, according to the most recent decennial census. A State's allotment under this subsection for any fiscal year shall be available for payments with respect to construction projects approved, under its State plan approved under section 203, during such year or (but only in the case of a State allotment for the fiscal year ending June 30, 1964) the next fiscal year.

"STATE PLANS FOR CONSTRUCTION

"SEC. 203. (a) To be approved for purposes of this title a State plan for construction of public libraries must—

"(1) meet the requirements of paragraphs (1), (2), (4), and (5) of section 103(a);

"(2) set forth criteria and procedures for approval of projects for construction of public library facilities which are designed to insure that facilities will be constructed only to serve areas, as determined by the State library administrative agency, which are without library facilities necessary to develop library services;

"(3) provide assurance that every local or other public agency whose application for funds under the plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a fair hearing before the State library administrative agency; and

"(4) provide assurance that all laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276c-5), and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act (Public Law 87-581); and the Secretary of Labor shall have with

49 Stat. 1011.

76 Stat. 357.
40 USC 327 note.

64 Stat. 1267.

63 Stat. 108.

respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

“(b) The Commissioner shall approve any plan which fulfills the conditions specified in subsection (a) of this section.

“PAYMENTS TO STATES

“SEC. 204. (a) From its allotment available therefor under section 202 each State shall be entitled to receive an amount equal to the Federal share (as determined under section 104) of projects approved, during the period for which such allotment is available, under the State plan of such State approved under section 203.

“(b) The Commissioner shall from time to time estimate the amount to which a State is entitled under subsection (a), and such amount shall be paid to the State, at such time or times, and in such installments as the Commissioner shall determine, after necessary adjustment on account of any previously made underpayment or overpayment.”

Ante, p. 11.
20 USC 358.

(b) Section 9 of such Act is further amended by redesignating paragraph (d) as paragraph (e) and inserting after paragraph (c) the following new paragraph:

“(d) The term ‘construction’ includes construction of new buildings and expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings; including architects’ fees and the cost of the acquisition of land;”.

Repeal.

(c) Subsection (f) of the section of such Act herein redesignated as section 104 is repealed.

(d) Subsection (a) of such section 104 is amended by inserting at the end thereof the following new sentence: “From such allotments, there shall also be paid to each State for each such period the Federal share of the total of the sums expended by the State and its political subdivisions during such period for administration of the plan of such State approved under section 203.”

20 USC 355.

(e) Subsection (e) of such section 104 is amended by striking out “Act” and inserting in lieu thereof “title”.

(f) Such Act is further amended by inserting “TITLE III—GENERAL” above the heading for section 7 and by redesignating sections 7, 8, and 9 as sections 301, 302, and 304, respectively.

20 USC 356.

(g) The first sentence of such section 301 is amended by inserting “applicable” before “requirements of this Act” and by inserting “(or, in his discretion, that further payments will not be made with respect to portions of or projects under the State plan affected by such failure)” before “until he is satisfied”. The second sentence of such section is amended to read: “Until he is so satisfied, no further payments shall be made to such State for carrying out such State plan (or further payments shall be limited to parts of or projects under the plan not affected by such failure).”

(h) Such Act is further amended by inserting after such section 302 the following new section:

“REALLOTMENTS

“SEC. 303. The amount of any State’s allotment under section 102 or 202 for any fiscal year which the Commissioner determines will not be required for the period for which such allotment is available for carry-

ing out the State plan approved under section 103 and section 203, respectively, shall be available for reallocation from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments for such year to such States under such section 102 or 202, as the case may be, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the amount which the Commissioner estimates the State needs and will be able to use for such period of time for which the original allotments were available for carrying out the State plan approved under section 103 or 203, as the case may be, and the total of such reductions shall be similarly reallocated among the States not suffering such a reduction. Any amount reallocated to a State under this subsection from funds appropriated pursuant to section 101 or 201 for any fiscal year shall be deemed part of its allotment for such year under sections 102 and 202, respectively."

(i) The amendments made by subsections (c), (e), and (g) shall be applicable in the case of payments from allotments for fiscal years beginning after June 30, 1963. The amendment made by subsection (h) shall be applicable in the case of such allotments.

HEARINGS AND JUDICIAL REVIEW

SEC. 8. The section of the Library Services Act herein redesignated as section 302 is amended by adding at the end thereof the following new subsection:

20 USC 357.

"(d) (1) The Commissioner shall not finally disapprove any State plan submitted under this Act, or any modification thereof, without first affording the State submitting the plan reasonable notice and opportunity for a hearing.

"(2) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under title I or title II, or with respect to his final action under section 301, such State may appeal to the United States Court of Appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

72 Stat. 941.

"(3) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4) The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or

62 Stat. 928.

certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action."

EXTENSION TO DISTRICT OF COLUMBIA

20 USC 358.

SEC. 9. Subsection (a) of the section of the Library Services Act herein redesignated as section 304 is amended by inserting after "State," the following: "the District of Columbia,".

CHANGE IN TITLE AND SHORT TITLE

70 Stat. 293.

20 USC 351 note.

SEC. 10. (a) The first section of the Library Services Act is amended by striking out "Library Services Act" and inserting in lieu thereof "Library Services and Construction Act".

(b) The title of such Act is amended to read "To promote the further development of public library services."

Approved February 11, 1964.

Public Law 88-270

AN ACT

February 11, 1964

[H. R. 9076]

To provide for the striking of medals in commemoration of the two hundredth anniversary of the founding of Saint Louis.

St. Louis, Mo.
Bicentennial
medals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury (hereinafter referred to as the "Secretary") shall strike and furnish for the Saint Louis Bicentennial Corporation (hereinafter referred to as the "corporation"), a not-for-profit organization for the celebration of the two hundredth anniversary of the founding of the Saint Louis community, national medals in commemoration of such anniversary.

SEC. 2. Such medals shall be of such sizes, materials, and designs, and shall be so inscribed, as the corporation may determine with the approval of the Secretary.

SEC. 3. Not more than one hundred thousand of such medals may be produced. Production shall be in such quantities, not less than two thousand, as may be ordered by the corporation, but no work may be commenced on any order unless the Secretary has received security satisfactory to him for the payment of the cost of the production of such order. Such cost shall include labor, material, dies, use of machinery, and overhead expenses, as determined by the Secretary. No medals may be produced pursuant to this Act after December 31, 1965.

SEC. 4. Upon receipt of payment for such medals in the amount of the cost thereof as determined pursuant to section 3, the Secretary shall deliver the medals as the corporation may request.

Approved February 11, 1964.

Public Law 88-271

AN ACT

To establish a United States-Puerto Rico Commission on the Status of Puerto Rico.

February 20, 1964
[H. R. 5945]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, with due recognition to the principle of government by consent of the governed, the Congress of the United States hereby establishes the United States-Puerto Rico Commission on the Status of Puerto Rico.

United States-
Puerto Rico Com-
mission.
Establishment.

SEC. 2. (a) The Commission shall, subject to enlargement as provided in subsection (c) of this section, be composed of seven members.

Composition.

(b) The President of the United States shall appoint the Chairman of the Commission and two other members, all of whom shall be citizens of the United States and none of whom shall be residents of Puerto Rico. The President of the Senate, with the approval of the majority and minority leaders of the Senate, shall appoint two members from the membership of the Senate. The Speaker of the House of Representatives, with the approval of the majority and minority leaders of the House, shall appoint two members from the membership of the House.

U.S. members.

(c) The Congress hereby invites the Commonwealth of Puerto Rico to provide for participation of the Commonwealth and its people in the work of the Commission by enactment of a law providing for the appointment of an additional six members of the Commission, for the equal sharing of the expenses of the Commission, and for making available, without reimbursement, to the Commission the information and assistance of the departments and agencies of Puerto Rico unless prohibited under any law effective on the date of enactment of this Act, upon request of the Commission. If the legislative assembly shall do so and if the additional six members are appointed the Commission shall consist of thirteen members.

Puerto Rican
members.

(d) A majority of the Commission shall constitute a quorum for the transaction of its business, but the Commission may provide for the taking of testimony and the reception of evidence at meetings at which there are present not less than three members of the Commission. The Chairman of the Commission shall call a meeting for organizing the Commission as soon as possible after he and a majority of the members of the Commission have been appointed.

Quorum.

SEC. 3. (a) Any member of the Commission who is not an officer or employee of the Government of the United States or the government of Puerto Rico shall be paid \$75 per diem for his services while actually engaged on Commission business, and all members shall be entitled to reimbursement for actual travel and reasonable subsistence expenses incurred in connection with their service on the Commission.

Payment.

(b) The Commission is authorized to appoint and fix the compensation of an Executive Secretary and such other additional personnel as may be necessary to enable the Commission to carry out its functions without regard to the civil service laws, rules, and regulations, but any Federal employee subject to those laws, rules, and regulations, who may be detailed to the Commission (which detail is hereby authorized) shall retain his civil service status without interruption or loss of status or privilege.

Executive Secre-
tary, appointment.

(c) The Commission is authorized and directed to call upon the head of any Federal department or agency to furnish information and assistance which the Commission deems necessary for the performance of its functions, and the heads of such departments and agencies are authorized and directed to furnish such assistance and

Federal agen-
cies, information
and assistance.

information, unless prohibited under any law effective on the date of enactment of this Act, without reimbursement.

Study.

Report to President, Congress, etc.

SEC. 4. The Commission shall study all factors, including but not limited to existing applicable laws, treaties, constitutions, and agreements which may have a bearing on the present and future relationship between the United States and Puerto Rico. The Commission shall render its report to the President of the United States, the Congress of the United States, the Governor of Puerto Rico, and the Legislative Assembly of Puerto Rico not earlier than the later of the two following dates:

(i) one year from the date of the meeting called for organizing the Commission as provided in section 2(d) of this Act;

(ii) one year from the date on which the additional six members for which provision is made in section 2(c) of this Act are appointed, if such appointment occurs within six months after the effective date of this Act,

and not later, in any event, than the opening day of the second session of the Eighty-ninth United States Congress.

Appropriation.

SEC. 5. There is hereby authorized to be appropriated from the funds of the United States Treasury not heretofore appropriated such sums (but not more than \$250,000) as may be necessary for the performance of the work of the United States-Puerto Rico Commission on the Status of Puerto Rico.

Approved February 20, 1964.

Public Law 88-272

AN ACT

To amend the Internal Revenue Code of 1954 to reduce individual and corporate income taxes, to make certain structural changes with respect to the income tax, and for other purposes.

February 26, 1964

[H. R. 8363]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Revenue Act of

1964.

SECTION 1. DECLARATION BY CONGRESS.

It is the sense of Congress that the tax reduction provided by this Act through stimulation of the economy, will, after a brief transitional period, raise (rather than lower) revenues and that such revenue increases should first be used to eliminate the deficits in the administrative budgets and then to reduce the public debt. To further the objective of obtaining balanced budgets in the near future, Congress by this action, recognizes the importance of taking all reasonable means to restrain Government spending and urges the President to declare his accord with this objective.

SEC. 2. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the “Revenue Act of 1964”.

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

68A Stat. 3.

Title I—Reduction Of Income Tax Rates And
Related Amendments

PART I—INDIVIDUALS

SEC. 111. REDUCTION OF TAX ON INDIVIDUALS.

(a) INDIVIDUALS OTHER THAN HEADS OF HOUSEHOLDS.—Subsection (a) of section 1 (relating to rates of tax on individuals other than heads of households) is amended to read as follows:

26 USC 1.

“(a) RATES OF TAX ON INDIVIDUALS.—

“(1) TAXABLE YEARS BEGINNING IN 1964.—In the case of a taxable year beginning on or after January 1, 1964, and before January 1, 1965, there is hereby imposed on the taxable income of every individual (other than a head of a household to whom subsection (b) applies) a tax determined in accordance with the following table:

If the taxable income is:	The tax is:
Not over \$500-----	16% of the taxable income.
Over \$500 but not over \$1,000-----	\$80, plus 16.5% of excess over \$500.
Over \$1,000 but not over \$1,500-----	\$162.50, plus 17.5% of excess over \$1,000.
Over \$1,500 but not over \$2,000-----	\$250, plus 18% of excess over \$1,500.
Over \$2,000 but not over \$4,000-----	\$340, plus 20% of excess over \$2,000.
Over \$4,000 but not over \$6,000-----	\$740, plus 23.5% of excess over \$4,000.
Over \$6,000 but not over \$8,000-----	\$1,210, plus 27% of excess over \$6,000.
Over \$8,000 but not over \$10,000-----	\$1,750, plus 30.5% of excess over \$8,000.
Over \$10,000 but not over \$12,000-----	\$2,360, plus 34% of excess over \$10,000.
Over \$12,000 but not over \$14,000-----	\$3,040, plus 37.5% of excess over \$12,000.

"If the taxable income is:	The tax is:
Over \$14,000 but not over \$16,000-----	\$3,790, plus 41% of excess over \$14,000.
Over \$16,000 but not over \$18,000-----	\$4,610, plus 44.5% of excess over \$16,000.
Over \$18,000 but not over \$20,000-----	\$5,500, plus 47.5% of excess over \$18,000.
Over \$20,000 but not over \$22,000-----	\$6,450, plus 50.5% of excess over \$20,000.
Over \$22,000 but not over \$26,000-----	\$7,460, plus 53.5% of excess over \$22,000.
Over \$26,000 but not over \$32,000-----	\$9,600, plus 56% of excess over \$26,000.
Over \$32,000 but not over \$38,000-----	\$12,960, plus 58.5% of excess over \$32,000.
Over \$38,000 but not over \$44,000-----	\$16,470, plus 61% of excess over \$38,000.
Over \$44,000 but not over \$50,000-----	\$20,130, plus 63.5% of excess over \$44,000.
Over \$50,000 but not over \$60,000-----	\$23,940, plus 66% of excess over \$50,000.
Over \$60,000 but not over \$70,000-----	\$30,540, plus 68.5% of excess over \$60,000.
Over \$70,000 but not over \$80,000-----	\$37,390, plus 71% of excess over \$70,000.
Over \$80,000 but not over \$90,000-----	\$44,490, plus 73.5% of excess over \$80,000.
Over \$90,000 but not over \$100,000-----	\$51,840, plus 75% of excess over \$90,000.
Over \$100,000 but not over \$200,000---	\$59,340, plus 76.5% of excess over \$100,000.
Over \$200,000-----	\$135,840, plus 77% of excess over \$200,000.

"(2) TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1964.—In the case of a taxable year beginning after December 31, 1964, there is hereby imposed on the taxable income of every individual (other than a head of a household to whom subsection (b) applies) a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over \$500-----	14% of the taxable income.
Over \$500 but not over \$1,000-----	\$70, plus 15% of excess over \$500.
Over \$1,000 but not over \$1,500-----	\$145, plus 16% of excess over \$1,000.
Over \$1,500 but not over \$2,000-----	\$225, plus 17% of excess over \$1,500.
Over \$2,000 but not over \$4,000-----	\$310, plus 19% of excess over \$2,000.
Over \$4,000 but not over \$6,000-----	\$690, plus 22% of excess over \$4,000.
Over \$6,000 but not over \$8,000-----	\$1,130, plus 25% of excess over \$6,000.
Over \$8,000 but not over \$10,000-----	\$1,630, plus 28% of excess over \$8,000.
Over \$10,000 but not over \$12,000---	\$2,190, plus 32% of excess over \$10,000.
Over \$12,000 but not over \$14,000---	\$2,830, plus 36% of excess over \$12,000.
Over \$14,000 but not over \$16,000---	\$3,550, plus 39% of excess over \$14,000.
Over \$16,000 but not over \$18,000---	\$4,330, plus 42% of excess over \$16,000.
Over \$18,000 but not over \$20,000---	\$5,170, plus 45% of excess over \$18,000.
Over \$20,000 but not over \$22,000---	\$6,070, plus 48% of excess over \$20,000.
Over \$22,000 but not over \$26,000---	\$7,030, plus 50% of excess over \$22,000.
Over \$26,000 but not over \$32,000---	\$9,030, plus 53% of excess over \$26,000.
Over \$32,000 but not over \$38,000---	\$12,210, plus 55% of excess over \$32,000.
Over \$38,000 but not over \$44,000---	\$15,510, plus 58% of excess over \$38,000.

"If the taxable income is:**The tax is:**

Over \$44,000 but not over \$50,000---	\$18,990, plus 60% of excess over \$44,000.
Over \$50,000 but not over \$60,000---	\$22,590, plus 62% of excess over \$50,000.
Over \$60,000 but not over \$70,000---	\$28,790, plus 64% of excess over \$60,000.
Over \$70,000 but not over \$80,000---	\$35,190, plus 66% of excess over \$70,000.
Over \$80,000 but not over \$90,000---	\$41,790, plus 68% of excess over \$80,000.
Over \$90,000 but not over \$100,000--	\$48,590, plus 69% of excess over \$90,000.
Over \$100,000-----	\$55,490, plus 70% of excess over \$100,000."

(b) **HEADS OF HOUSEHOLDS.**—Paragraph (1) of section 1(b) (relating to rates of tax on heads of households) is amended to read as follows:

68A Stat. 6.
26 USC 1.

"(1) RATES OF TAX.—

"(A) TAXABLE YEARS BEGINNING IN 1964.—In the case of a taxable year beginning on or after January 1, 1964, and before January 1, 1965, there is hereby imposed on the taxable income of every individual who is the head of a household a tax determined in accordance with the following table:

"If the taxable income is:**The tax is:**

Not over \$1,000-----	16% of the taxable income.
Over \$1,000 but not over \$2,000-----	\$160, plus 17.5% of excess over \$1,000.
Over \$2,000 but not over \$4,000-----	\$335, plus 19% of excess over \$2,000.
Over \$4,000 but not over \$6,000-----	\$715, plus 22% of excess over \$4,000.
Over \$6,000 but not over \$8,000-----	\$1,155, plus 23% of excess over \$6,000.
Over \$8,000 but not over \$10,000---	\$1,615, plus 27% of excess over \$8,000.
Over \$10,000 but not over \$12,000--	\$2,155, plus 29% of excess over \$10,000.
Over \$12,000 but not over \$14,000--	\$2,735, plus 32% of excess over \$12,000.
Over \$14,000 but not over \$16,000--	\$3,375, plus 34% of excess over \$14,000.
Over \$16,000 but not over \$18,000--	\$4,055, plus 37.5% of excess over \$16,000.
Over \$18,000 but not over \$20,000--	\$4,805, plus 39% of excess over \$18,000.
Over \$20,000 but not over \$22,000--	\$5,585, plus 42.5% of excess over \$20,000.
Over \$22,000 but not over \$24,000--	\$6,435, plus 43.5% of excess over \$22,000.
Over \$24,000 but not over \$26,000--	\$7,305, plus 45.5% of excess over \$24,000.
Over \$26,000 but not over \$28,000--	\$8,215, plus 47% of excess over \$26,000.
Over \$28,000 but not over \$32,000--	\$9,155, plus 48.5% of excess over \$28,000.
Over \$32,000 but not over \$36,000--	\$11,095, plus 51.5% of excess over \$32,000.
Over \$36,000 but not over \$38,000--	\$13,155, plus 53% of excess over \$36,000.
Over \$38,000 but not over \$40,000--	\$14,215, plus 54% of excess over \$38,000.
Over \$40,000 but not over \$44,000--	\$15,295, plus 56% of excess over \$40,000.
Over \$44,000 but not over \$50,000--	\$17,535, plus 58.5% of excess over \$44,000.
Over \$50,000 but not over \$52,000--	\$21,045, plus 59.5% of excess over \$50,000.
Over \$52,000 but not over \$60,000--	\$22,235, plus 61% of excess over \$52,000.

"If the taxable income is:	The tax is:
Over \$60,000 but not over \$64,000--	\$27,115, plus 62% of excess over \$60,000.
Over \$64,000 but not over \$70,000--	\$29,595, plus 63.5% of excess over \$64,000.
Over \$70,000 but not over \$76,000--	\$33,405, plus 65% of excess over \$70,000.
Over \$76,000 but not over \$80,000--	\$37,305, plus 66% of excess over \$76,000.
Over \$80,000 but not over \$88,000--	\$39,945, plus 67% of excess over \$80,000.
Over \$88,000 but not over \$90,000--	\$45,305, plus 69% of excess over \$88,000.
Over \$90,000 but not over \$100,000--	\$46,685, plus 69.5% of excess over \$90,000.
Over \$100,000 but not over \$120,000--	\$53,635, plus 71% of excess over \$100,000.
Over \$120,000 but not over \$140,000--	\$67,835, plus 72.5% of excess over \$120,000.
Over \$140,000 but not over \$160,000--	\$82,335, plus 74% of excess over \$140,000.
Over \$160,000 but not over \$180,000--	\$97,135, plus 75% of excess over \$160,000.
Over \$180,000 but not over \$200,000--	\$112,135, plus 75.5% of excess over \$180,000.
Over \$200,000-----	\$127,235, plus 77% of excess over \$200,000.

"(B) TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1964.—In the case of a taxable year beginning after December 31, 1964, there is hereby imposed on the taxable income of every individual who is the head of a household a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over \$1,000-----	14% of the taxable income.
Over \$1,000 but not over \$2,000-----	\$140, plus 16% of excess over \$1,000.
Over \$2,000 but not over \$4,000-----	\$300, plus 18% of excess over \$2,000.
Over \$4,000 but not over \$6,000-----	\$660, plus 20% of excess over \$4,000.
Over \$6,000 but not over \$8,000-----	\$1,060, plus 22% of excess over \$6,000.
Over \$8,000 but not over \$10,000-----	\$1,500, plus 25% of excess over \$8,000.
Over \$10,000 but not over \$12,000-----	\$2,000, plus 27% of excess over \$10,000.
Over \$12,000 but not over \$14,000-----	\$2,540, plus 31% of excess over \$12,000.
Over \$14,000 but not over \$16,000-----	\$3,160, plus 32% of excess over \$14,000.
Over \$16,000 but not over \$18,000-----	\$3,800, plus 35% of excess over \$16,000.
Over \$18,000 but not over \$20,000-----	\$4,500, plus 36% of excess over \$18,000.
Over \$20,000 but not over \$22,000-----	\$5,220, plus 40% of excess over \$20,000.
Over \$22,000 but not over \$24,000-----	\$6,020, plus 41% of excess over \$22,000.
Over \$24,000 but not over \$26,000-----	\$6,840, plus 43% of excess over \$24,000.
Over \$26,000 but not over \$28,000-----	\$7,700, plus 45% of excess over \$26,000.
Over \$28,000 but not over \$32,000-----	\$8,600, plus 46% of excess over \$28,000.
Over \$32,000 but not over \$36,000-----	\$10,440, plus 48% of excess over \$32,000.
Over \$36,000 but not over \$38,000-----	\$12,360, plus 50% of excess over \$36,000.
Over \$38,000 but not over \$40,000-----	\$13,360, plus 52% of excess over \$38,000.
Over \$40,000 but not over \$44,000-----	\$14,400, plus 53% of excess over \$40,000.
Over \$44,000 but not over \$50,000-----	\$16,520, plus 55% of excess over \$44,000.

"If the taxable income is:	The tax is:
Over \$50,000 but not over \$52,000----	\$19,820, plus 56% of excess over \$50,000.
Over \$52,000 but not over \$64,000----	\$20,940, plus 58% of excess over \$52,000.
Over \$64,000 but not over \$70,000----	\$27,900, plus 59% of excess over \$64,000.
Over \$70,000 but not over \$76,000----	\$31,440, plus 61% of excess over \$70,000.
Over \$76,000 but not over \$80,000----	\$35,100, plus 62% of excess over \$76,000.
Over \$80,000 but not over \$88,000----	\$37,580, plus 63% of excess over \$80,000.
Over \$88,000 but not over \$100,000---	\$42,620, plus 64% of excess over \$88,000.
Over \$100,000 but not over \$120,000--	\$50,300, plus 66% of excess over \$100,000.
Over \$120,000 but not over \$140,000--	\$63,500, plus 67% of excess over \$120,000.
Over \$140,000 but not over \$160,000--	\$76,900, plus 68% of excess over \$140,000.
Over \$160,000 but not over \$180,000--	\$90,500, plus 69% of excess over \$160,000.
Over \$180,000-----	\$104,300, plus 70% of excess over \$180,000."

SEC. 112. MINIMUM STANDARD DEDUCTION.

(a) GENERAL RULE.—Section 141 (relating to standard deduction) is amended to read as follows:

68A Stat. 40.
26 USC 141.

"SEC. 141. STANDARD DEDUCTION.

"(a) STANDARD DEDUCTION.—Except as otherwise provided in this section, the standard deduction referred to in this title is the larger of the 10-percent standard deduction or the minimum standard deduction. The standard deduction shall not exceed \$1,000, except that in the case of a separate return by a married individual the standard deduction shall not exceed \$500.

"(b) TEN-PERCENT STANDARD DEDUCTION.—The 10-percent standard deduction is an amount equal to 10 percent of the adjusted gross income.

"(c) MINIMUM STANDARD DEDUCTION.—The minimum standard deduction is an amount equal to the sum of—

"(1) \$100, multiplied by the number of exemptions allowed for the taxable year as a deduction under section 151, plus

26 USC 151.

"(2)(A) \$200, in the case of a joint return of a husband and wife under section 6013,

26 USC 6013.

"(B) \$200, in the case of a return of an individual who is not married, or

"(C) \$100, in the case of a separate return by a married individual.

"(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—Notwithstanding subsection (a)—

"(1) The minimum standard deduction shall not apply in the case of a separate return by a married individual if the tax of the other spouse is determined with regard to the 10-percent standard deduction.

"(2) A married individual filing a separate return may, if the minimum standard deduction is less than the 10-percent standard deduction, and if the minimum standard deduction of his spouse is greater than the 10-percent standard deduction of such spouse, elect (under regulations prescribed by the Secretary or his delegate) to have his tax determined with regard to the minimum standard deduction in lieu of being determined with regard to the 10-percent standard deduction."

68A Stat. 8.
26 USC 2.
Post, p. 129;
Ante, p. 23.
26 USC 3, 141.
Post, p. 110.
26 USC 144.

(b) AMENDMENT OF SECTION 2.—The second sentence of section 2(a) (relating to tax in case of joint return or return of surviving spouse) is amended by striking out “and section 3” and inserting in lieu thereof “, section 3, and section 141”.

(c) AMENDMENTS OF SECTION 144.—

(1) The first sentence of section 144(b) (relating to change of election of standard deduction) is amended to read as follows: “Under regulations prescribed by the Secretary or his delegate, a change of election with respect to the standard deduction for any taxable year may be made after the filing of the return for such year.”

(2) Section 144 is amended by adding at the end thereof the following new subsection:

“(c) CHANGE OF ELECTION DEFINED.—For purposes of this title, the term ‘change of election with respect to the standard deduction’ means—

“(1) a change of an election to take (or not to take) the standard deduction;

“(2) a change of an election to pay (or not to pay) the tax under section 3; or

“(3) a change of an election under section 141(d)(2).”

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 6212(c)(2) (relating to cross references) is amended by striking out “to take” and inserting in lieu thereof “with respect to the”.

(2) Paragraph (3) of section 6504 (relating to cross references) is amended by striking out “to take” and inserting in lieu thereof “with respect to the”.

SEC. 113. RELATED AMENDMENTS.

(a) RETIREMENT INCOME CREDIT.—Section 37(a) (relating to credit against tax for retirement income) is amended by striking out “an amount equal to the amount received by such individual as retirement income (as defined in subsection (c) and as limited by subsection (d)), multiplied by the rate provided in section 1 for the first \$2,000 of taxable income;” and inserting in lieu thereof “an amount equal to 17 percent, in the case of a taxable year beginning in 1964, or 15 percent, in the case of a taxable year beginning after December 31, 1964, of the amount received by such individual as retirement income (as defined in subsection (c) and as limited by subsection (d));”.

(b) TAX ON NONRESIDENT ALIEN INDIVIDUALS.—Section 871 (relating to tax on nonresident alien individuals) is amended—

(1) By striking out “is more than \$15,400, except that—” in subsection (b) and inserting in lieu thereof “is more than \$19,000 in the case of a taxable year beginning in 1964 or more than \$21,200 in the case of a taxable year beginning after 1964, except that—”.

(2) By striking out the heading to subsection (a) and inserting in lieu thereof the following:

“(a) NO UNITED STATES BUSINESS—30 PERCENT TAX.—”.

(3) By striking out the heading to subsection (b) and inserting in lieu thereof the following:

“(b) NO UNITED STATES BUSINESS REGULAR TAX.—”.

SEC. 114. CROSS REFERENCES TO TAX TABLES, ETC.

(1) For optional tax if adjusted gross income is less than \$5,000, see section 301 of this Act.

(2) For income tax collected at source, see section 302 of this Act.

Post, p. 32.
26 USC 37.

Ante, p. 19.
26 USC 1.

26 USC 871.

26 USC 6212.

26 USC 6504.

PART II—CORPORATIONS

SEC. 121. REDUCTION OF TAX ON CORPORATIONS.

Section 11 (relating to tax on corporations) is amended to read as follows:

68A Stat. 11.
26 USC 11.

“SEC. 11. TAX IMPOSED.

“(a) CORPORATIONS IN GENERAL.—A tax is hereby imposed for each taxable year on the taxable income of every corporation. The tax shall consist of a normal tax computed under subsection (b) and a surtax computed under subsection (c).

“(b) NORMAL TAX.—The normal tax is equal to the following percentage of the taxable income:

“(1) 30 percent, in the case of a taxable year beginning before January 1, 1964, and

“(2) 22 percent, in the case of a taxable year beginning after December 31, 1963.

“(c) SURTAX.—The surtax is equal to the following percentage of the amount by which the taxable income exceeds the surtax exemption for the taxable year:

“(1) 22 percent, in the case of a taxable year beginning before January 1, 1964,

“(2) 28 percent, in the case of a taxable year beginning after December 31, 1963, and before January 1, 1965, and

“(3) 26 percent, in the case of a taxable year beginning after December 31, 1964.

“(d) SURTAX EXEMPTION.—For purposes of this subtitle, the surtax exemption for any taxable year is \$25,000, except that, with respect to a corporation to which section 1561 (relating to surtax exemptions in case of certain controlled corporations) applies for the taxable year, the surtax exemption for the taxable year is the amount determined under such section.

Post, p. 116.

“(e) EXCEPTIONS.—Subsection (a) shall not apply to a corporation subject to a tax imposed by—

“(1) section 594 (relating to mutual savings banks conducting life insurance business),

26 USC 594.

“(2) subchapter L (sec. 801 and following, relating to insurance companies),

26 USC 801 *et seq.*

“(3) subchapter M (sec. 851 and following, relating to regulated investment companies and real estate investment trusts), or

26 USC 851 *et seq.*

“(4) section 881(a) (relating to foreign corporations not engaged in business in United States).”

26 USC 881.

SEC. 122. CURRENT TAX PAYMENTS BY CORPORATIONS.

(a) INSTALLMENT PAYMENTS OF ESTIMATED INCOME TAX BY CORPORATIONS.—Section 6154 (relating to installment payments of estimated income tax by corporations) is amended to read as follows:

26 USC 6154.

“SEC. 6154. INSTALLMENT PAYMENTS OF ESTIMATED INCOME TAX BY CORPORATIONS.

“(a) AMOUNT AND TIME FOR PAYMENT OF EACH INSTALLMENT.—The amount of estimated tax (as defined in section 6016(b)) with respect to which a declaration is required under section 6016 shall be paid as follows:

26 USC 6016.

“(1) PAYMENT IN 4 INSTALLMENTS.—If the declaration is filed on or before the 15th day of the 4th month of the taxable year, the estimated tax shall be paid in 4 installments. The amount

"(4) **PAYMENT IN 1 INSTALLMENT.**—If the declaration of estimated tax is filed after the 15th day of the 9th month of the taxable year, and is not required by section 6074(a) to be filed on or before the 15th day of such 9th month, the estimated tax shall be paid in 1 installment. The amount and time for payment of the installment shall be determined in accordance with the following table:

Post, p. 28.
26 USC 6074.

"If the taxable year begins in—	The following percentages of the estimated tax shall be paid on the 15th day of the 12th month
1964.....	52
1965.....	58
1966.....	68
1967.....	78
1968.....	88
1969.....	94
1970 or any subsequent year.....	100

"(5) **LATE FILING.**—If the declaration is filed after the time prescribed in section 6074(a) (determined without regard to any extension of time for filing the declaration under section 6081), paragraphs (2), (3), and (4) of this subsection shall not apply, and there shall be paid at the time of such filing all installments of estimated tax which would have been payable on or before such time if the declaration had been filed within the time prescribed in section 6074(a), and the remaining installments shall be paid at the times at which, and in the amounts in which, they would have been payable if the declaration had been so filed.

68A Stat. 751.
26 USC 6081.

"(b) **AMENDMENT OF DECLARATION.**—If any amendment of a declaration is filed, the amount of each remaining installment (if any) shall be the amount which would have been payable if the new estimate had been made when the first estimate for the taxable year was made, increased or decreased (as the case may be), by the amount computed by dividing—

"(1) the difference between (A) the amount of estimated tax required to be paid before the date on which the amendment is made, and (B) the amount of estimated tax which would have been required to be paid before such date if the new estimate had been made when the first estimate was made, by

"(2) the number of installments remaining to be paid on or after the date on which the amendment is made.

"(c) **APPLICATION TO SHORT TAXABLE YEAR.**—The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

"(d) **INSTALLMENTS PAID IN ADVANCE.**—At the election of the corporation, any installment of the estimated tax may be paid before the date prescribed for its payment."

(b) **TIME FOR FILING DECLARATIONS OF ESTIMATED INCOME TAX BY CORPORATIONS.**—Section 6074 (relating to time for filing declarations of estimated income tax by corporations) is amended to read as follows:

"SEC. 6074. TIME FOR FILING DECLARATIONS OF ESTIMATED INCOME TAX BY CORPORATIONS.

26 USC 6016.

"(a) GENERAL RULE.—The declaration of estimated tax required of corporations by section 6016 shall be filed as follows:

"If the requirements of section 6016 are first met—	The declaration shall be filed on or before—
before the 1st day of the 4th month of the taxable year-----	the 15th day of the 4th month of the taxable year
after the last day of the 3d month and before the 1st day of the 6th month of the taxable year-----	the 15th day of the 6th month of the taxable year
after the last day of the 5th month and before the 1st day of the 9th month of the taxable year-----	the 15th day of the 9th month of the taxable year
after the last day of the 8th month and before the 1st day of the 12th month of the taxable year-----	the 15th day of the 12th month of the taxable year

"(b) AMENDMENT.—An amendment of a declaration may be filed in any interval between installment dates prescribed for the taxable year, but only one amendment may be filed in each such interval.

"(c) SHORT TAXABLE YEAR.—The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate."

(c) FAILURE BY CORPORATIONS TO PAY ESTIMATED INCOME TAX.—

(1) The last sentence of section 6655(c) (2) (relating to period of underpayment) is amended to read as follows: "For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subsection (b) (1) for such installment date."

(2) Paragraph (3) of section 6655(d) (relating to exception) is amended to read as follows:

"(3) (A) An amount equal to 70 percent of the tax for the taxable year computed by placing on an annualized basis the taxable income:

"(i) for the first 3 months of the taxable year, in the case of the installment required to be paid in the 4th month,

"(ii) for the first 3 months or for the first 5 months of the taxable year, in the case of the installment required to be paid in the 6th month,

"(iii) for the first 6 months or for the first 8 months of the taxable year in the case of the installment required to be paid in the 9th month, and

"(iv) for the first 9 months or for the first 11 months of the taxable year, in the case of the installment required to be paid in the 12th month of the taxable year.

"(B) For purposes of this paragraph, the taxable income shall be placed on an annualized basis by—

"(i) multiplying by 12 the taxable income referred to in subparagraph (A), and

"(ii) dividing the resulting amount by the number of months in the taxable year (3, 5, 6, 8, 9, or 11, as the case may be) referred to in subparagraph (A)."

68A Stat. 825.
26 USC 6655.

(d) **TECHNICAL AMENDMENT.**—Section 6016(f) (relating to declarations of estimated income tax by corporations) is amended to read as follows:

68A Stat. 738.
26 USC 6016.

“(f) **CROSS REFERENCE.**—

“For provisions relating to the number of amendments which may be filed, see section 6074(b).”

Ante, p. 28.
26 USC 6074.

SEC. 123. RELATED AMENDMENTS.

(a) **TAX ON MUTUAL INSURANCE COMPANIES (OTHER THAN LIFE, ETC.).**—

(1) Subsection (a) of section 821 (relating to imposition of tax) is amended to read as follows:

76 Stat. 989.
26 USC 821.

“(a) **IMPOSITION OF TAX.**—A tax is hereby imposed for each taxable year beginning after December 31, 1963, on the mutual insurance company taxable income of every mutual insurance company (other than a life insurance company and other than a fire, flood, or marine insurance company subject to the tax imposed by section 831). Such tax shall consist of—

26 USC 831.

“(1) **NORMAL TAX.**—A normal tax of 22 percent of the mutual insurance company taxable income, or 44 percent of the amount by which such taxable income exceeds \$6,000, whichever is the lesser; plus

“(2) **SURTAX.**—A surtax on the mutual insurance company taxable income computed as provided in section 11(c) as though the mutual insurance company taxable income were the taxable income referred to in section 11(c).”

Ante, p. 25.
26 USC 11.

(2) Paragraph (1) of section 821(c) (relating to alternative tax for certain small companies) is amended to read as follows:

“(1) **IMPOSITION OF TAX.**—In the case of taxable years beginning after December 31, 1963, there is hereby imposed for each taxable year on the income of each mutual insurance company to which this subsection applies a tax (which shall be in lieu of the tax imposed by subsection (a)) computed as follows:

“(A) **NORMAL TAX.**—A normal tax of 22 percent of the taxable investment income, or 44 percent of the amount by which such taxable income exceeds \$3,000, whichever is the lesser; plus

“(B) **SURTAX.**—A surtax on the taxable investment income computed as provided in section 11(c) as though the taxable investment income were the taxable income referred to in section 11(c).”

(b) **RECEIPT OF MINIMUM DISTRIBUTIONS BY DOMESTIC CORPORATIONS.**—Subsection (b) of section 963 (relating to receipt of minimum distributions by domestic corporations) is amended to read as follows:

76 Stat. 1023.
26 USC 963.

“(b) **MINIMUM DISTRIBUTION.**—For purposes of this section, a minimum distribution with respect to the earnings and profits for the taxable year of any controlled foreign corporation or corporations shall, in the case of any United States shareholder, be its

pro rata share of an amount determined in accordance with whichever of the following tables applies to the taxable year:

“(1) TAXABLE YEARS BEGINNING IN 1963.—

“If the effective foreign tax rate is (percentage)—	The required minimum distribution of earnings and profits is (percentage)—
Under 10_____	90
10 or over but less than 20_____	86
20 or over but less than 28_____	82
28 or over but less than 34_____	75
34 or over but less than 39_____	68
39 or over but less than 42_____	55
42 or over but less than 44_____	40
44 or over but less than 46_____	27
46 or over but less than 47_____	14
47 or over_____	0

“(2) TAXABLE YEARS BEGINNING IN 1964.—

“If the effective foreign tax rate is (percentage)—	The required minimum distribution of earnings and profits is (percentage)—
Under 10_____	87
10 or over but less than 19_____	83
19 or over but less than 27_____	79
27 or over but less than 33_____	72
33 or over but less than 37_____	65
37 or over but less than 40_____	53
40 or over but less than 42_____	38
42 or over but less than 44_____	26
44 or over but less than 45_____	13
45 or over_____	0

“(3) TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1964.—

“If the effective foreign tax rate is (percentage)—	The required minimum distribution of earnings and profits is (percentage)—
Under 9_____	83
9 or over but less than 18_____	79
18 or over but less than 26_____	76
26 or over but less than 32_____	69
32 or over but less than 36_____	63
36 or over but less than 39_____	51
39 or over but less than 41_____	37
41 or over but less than 42_____	25
42 or over but less than 43_____	13
43 or over_____	0”

68A Stat. 72.
26 USC 242.

(c) AMENDMENT OF SECTION 242.—Section 242(a) (relating to deduction for partially tax-exempt interest) is amended by adding at the end thereof the following new sentence: “No deduction shall be allowed under this section for purposes of any surtax imposed by this subtitle.”

PART III—EFFECTIVE DATES

SEC. 131. GENERAL RULE.

26 USC 21.

Except for purposes of section 21 of the Internal Revenue Code of 1954 (relating to effect of changes in rates during a taxable year), the amendments made by parts I and II of this title shall apply with respect to taxable years beginning after December 31, 1963.

SEC. 132. FISCAL YEAR TAXPAYERS.

Effective with respect to taxable years ending after December 31, 1963, subsection (d) of section 21 (relating to effect of changes in rates during a taxable year) is amended to read as follows:

“(d) CHANGES MADE BY REVENUE ACT OF 1964.—

“(1) INDIVIDUALS.—In applying subsection (a) to the taxable year of an individual beginning in 1963 and ending in 1964—

“(A) the rate of tax for the period on and after January 1, 1964, shall be applied to the taxable income determined as if part IV of subchapter B (relating to standard deduction for individuals), as amended by the Revenue Act of 1964, applied to taxable years ending after December 31, 1963, and

“(B) section 4 (relating to rules for optional tax), as amended by such Act, shall be applied to taxable years ending after December 31, 1963.

68A Stat. 10;
post, pp. 111, 140.
26 USC 4.

In applying subsection (a) to a taxable year of an individual beginning in 1963 and ending in 1964, or beginning in 1964 and ending in 1965, the change in the tax imposed under section 3 shall be treated as a change in a rate of tax.

Post, p. 129.
26 USC 3.

“(2) CORPORATIONS.—In applying subsection (a) to a taxable year of a corporation beginning in 1963 and ending in 1964, if—

“(A) the surtax exemption of such corporation for such taxable year is less than \$25,000 by reason of the application of section 1561 (relating to surtax exemptions in case of certain controlled corporations), or

Post, p. 116.

“(B) an additional tax is imposed on the taxable income of such corporation for such taxable year by section 1562(b) (relating to additional tax in case of component members of controlled groups which elect multiple surtax exemptions),

Post, p. 117.

the change in the surtax exemption, or the imposition of such additional tax, shall be treated as a change in a rate of tax taking effect on January 1, 1964.”

Title II—Structural Changes

SEC. 201. DIVIDENDS RECEIVED BY INDIVIDUALS.

(a) REDUCTION OF 4 PERCENT CREDIT TO 2 PERCENT CREDIT FOR CALENDAR YEAR 1964.—

(1) GENERAL RULE.—Section 34(a) (relating to general rule for credit for dividends received) is amended by striking out “an amount equal to 4 percent of the dividends which are received after July 31, 1954, from domestic corporations and are included in gross income” and inserting in lieu thereof:

26 USC 34.

“an amount equal to the following percentage of the dividends which are received from domestic corporations and are included in gross income:

“(1) 4 percent of the amount of such dividends which are received before January 1, 1964, and

“(2) 2 percent of the amount of such dividends which are received during the calendar year 1964.”

(2) LIMITATIONS.—Section 34(b)(2) (relating to limitations on amount of credit) is amended—

(A) by inserting “, or beginning after December 31, 1963” after “1955” at the end of subparagraph (A), and

(B) by inserting “, and beginning before January 1, 1964” after “1954” at the end of subparagraph (B).

(b) REPEAL OF CREDIT FOR DIVIDENDS RECEIVED BY INDIVIDUALS.—Effective with respect to dividends received after December 31, 1964,

section 34 (relating to dividends received by individuals) is hereby repealed.

68A Stat. 37.
26 USC 116.

(c) **DOUBLING OF AMOUNT OF PARTIAL EXCLUSION FROM GROSS INCOME OF DIVIDENDS RECEIVED BY INDIVIDUALS.**—Section 116(a) (relating to partial exclusion from gross income of dividends received by individuals) is amended by striking out “\$50” each place it appears and inserting in lieu thereof “\$100”.

(d) **CONFORMING AMENDMENTS.**—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by striking out

“Sec. 34. Dividends received by individuals.”

26 USC 35.

(2) Section 35(b) (1) is amended by striking out “the sum of the credits allowable under sections 33 and 34” and inserting in lieu thereof “the credit allowable under section 33”.

Ante, p. 24.
26 USC 37.

(3) Section 37(a) is amended by striking out “section 34 (relating to credit for dividends received by individuals),”.

76 Stat. 963.
26 USC 46.

(4) Section 46(a) (3) is amended by striking out subparagraph (B), and by redesignating subparagraphs (C) and (D) as “(B)” and “(C)”, respectively.

26 USC 584.

(5) Section 584(c) (2) is amended by striking out “section 34 or”.

26 USC 642.

(6) (A) Section 642(a) is amended by striking out paragraph (3);

(B) Section 642(i) is amended to read as follows:

“(i) **CROSS REFERENCES.**—

26 USC 142.

“(1) For disallowance of standard deduction in case of estates and trusts, see section 142(b)(4).

26 USC 652, 662.

“(2) For special rule for determining the time of receipt of dividends by a beneficiary under section 652 or 662, see section 116(c)(3).”

(C) Section 116(c) is amended by adding at the end thereof the following new paragraph:

“(3) The amount of dividends properly allocable to a beneficiary under section 652 or 662 shall be deemed to have been received by the beneficiary ratably on the same date that the dividends were received by the estate or trust.”

26 USC 702.

(7) Section 702(a) (5) is amended by striking out “a credit under section 34,” and the comma after “section 116”.

26 USC 854.

(8) Section 854(a) is amended by striking out “section 34(a) (relating to credit for dividends received by individuals),” and the comma after “section 116 (relating to an exclusion for dividends received by individuals)”.

(9) Section 854(b) (1) is amended by striking out “the credit under section 34(a),” and the comma after “section 116”.

(10) Section 854(b) (2) is amended by striking out “the credit under section 34,” and the comma after “section 116”.

74 Stat. 1008.
26 USC 857.

(11) Section 857(c) is amended by striking out “section 34(a) (relating to credit for dividends received by individuals),” and the comma after “section 116 (relating to an exclusion for dividends received by individuals)”.

72 Stat. 1639.
26 USC 871.

(12) Section 871(b) is amended by striking out “the sum of the credits under sections 34 and 35” and inserting in lieu thereof “the credit under section 35”.

26 USC 1375.

(13) Section 1375(b) is amended by striking out “section 34,” and the comma after “section 37”.

26 USC 6014.

(14) Section 6014(a) is amended by striking out “34 or”.

(e) **EFFECTIVE DATES.**—The amendments made by subsection (a) shall apply with respect to taxable years ending after December 31, 1963. The amendment made by subsection (b) shall apply with

respect to taxable years ending after December 31, 1964. The amendment made by subsection (c) shall apply with respect to taxable years beginning after December 31, 1963. The amendments made by subsection (d) shall apply with respect to dividends received after December 31, 1964, in taxable years ending after such date.

SEC. 202. RETIREMENT INCOME CREDIT OF CERTAIN MARRIED INDIVIDUALS.

(a) **DETERMINATION OF RETIREMENT INCOME.**—Section 37 (relating to retirement income) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

68A Stat. 15.
26 USC 37.

“(i) **SPECIAL RULES FOR CERTAIN MARRIED COUPLES.**—

“(1) **ELECTION.**—A husband and wife who make a joint return for the taxable year and both of whom have attained the age of 65 before the close of the taxable year may elect (at such time and in such manner as the Secretary or his delegate by regulations prescribes) to determine the amount of the credit allowed by subsection (a) by applying the provisions of paragraph (2).

“(2) **SPECIAL RULES.**—If an election is made under paragraph

(1) for the taxable year, for purposes of subsection (a)—

“(A) if either spouse is an individual who has received earned income within the meaning of subsection (b), the other spouse shall be considered to be an individual who has received earned income within the meaning of such subsection; and

“(B) subsection (d) shall be considered as providing that the amount of the combined retirement income of both spouses shall not exceed \$2,286, less the sum of the amounts specified in paragraphs (1) and (2) of subsection (d) for each spouse.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1963.

SEC. 203. REPEAL OF REQUIREMENT THAT BASIS OF SECTION 38 PROPERTY BE REDUCED BY 7 PERCENT; OTHER PROVISIONS RELATING TO INVESTMENT CREDIT.

(a) **REPEAL OF REQUIREMENT THAT BASIS BE REDUCED.**—

(1) **IN GENERAL.**—Subsection (g) of section 48 (requiring that the basis of section 38 property be reduced by 7 percent of the qualified investment) is hereby repealed.

76 Stat. 967.
26 USC 48.
26 USC 38.

(2) **INCREASE IN BASIS OF PROPERTY PLACED IN SERVICE BEFORE JANUARY 1, 1964.**—

(A) The basis of any section 38 property (as defined in section 48(a) of the Internal Revenue Code of 1954) placed in service before January 1, 1964, shall be increased, under regulations prescribed by the Secretary of the Treasury or his delegate, by an amount equal to 7 percent of the qualified investment with respect to such property under section 46(c) of the Internal Revenue Code of 1954. If there has been any increase with respect to such property under section 48(g) (2) of such Code, the increase under the preceding sentence shall be appropriately reduced therefor.

26 USC 46.

(B) If a lessor made the election provided by section 48(d) of the Internal Revenue Code of 1954 with respect to property placed in service before January 1, 1964—

(i) subparagraph (A) shall not apply with respect to such property, but

68A Stat. 45.
26 USC 162.

(ii) under regulations prescribed by the Secretary of the Treasury or his delegate, the deductions otherwise allowable under section 162 of such Code to the lessee for amounts paid to the lessor under the lease (or, if such lessee has purchased such property, the basis of such property) shall be adjusted in a manner consistent with subparagraph (A).

(C) The adjustments under this paragraph shall be made as of the first day of the taxpayer's first taxable year which begins after December 31, 1963.

(3) **CONFORMING AMENDMENTS.**—

76 Stat. 967.
26 USC 48.

(A) The last sentence of section 48(d) (relating to certain leased property) is hereby repealed.

26 USC 181.

(B) Section 181 (relating to deduction for certain unused investment credit) is hereby repealed.

26 USC 1016.

(C) Section 1016(a)(19) (relating to adjustments to basis) is amended to read as follows:

“(19) to the extent provided in section 48(g) and in section 203(a)(2) of the Revenue Act of 1964, in the case of property which is or has been section 38 property (as defined in section 48(a));”

(D) The table of sections for part VI of subchapter B of chapter 1 is amended by striking out the following:

“Sec. 181. Deduction for certain unused investment credit.”

(4) **EFFECTIVE DATE.**—Paragraphs (1) and (3) of this subsection shall apply—

(A) in the case of property placed in service after December 31, 1963, with respect to taxable years ending after such date, and

(B) in the case of property placed in service before January 1, 1964, with respect to taxable years beginning after December 31, 1963.

(b) **BASIS OF CERTAIN LEASED PROPERTY TO LESSEE.**—Paragraphs (1) and (2) of section 48(d) (relating to certain leased property) are amended to read as follows:

“(1) except as provided in paragraph (2), the fair market value of such property, or

26 USC 46.

“(2) if such property is leased by a corporation which is a member of an affiliated group (within the meaning of section 46(a)(5)) to another corporation which is a member of the same affiliated group, the basis of such property to the lessor.”

26 USC 48, 38.

(c) **TREATMENT OF ELEVATORS AND ESCALATORS FOR PURPOSES OF THE INVESTMENT CREDIT.**—Section 48(a)(1) (relating to section 38 property) is amended—

(1) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof “, or”; and

(2) by adding after subparagraph (B) the following new subparagraph:

“(C) elevators and escalators, but only if—

“(i) the construction, reconstruction, or erection of the elevator or escalator is completed by the taxpayer after June 30, 1963, or

“(ii) the elevator or escalator is acquired after June 30, 1963, and the original use of such elevator or escalator commences with the taxpayer and commences after such date.”

(d) TREATMENT OF ELEVATORS AND ESCALATORS FOR PURPOSES OF SECTION 1245.—Section 1245(a) (relating to gain from dispositions of certain depreciable property) is amended—

76 Stat. 1032.
26 USC 1245.

(1) by striking out so much of paragraph (2) as precedes the second sentence thereof and inserting in lieu thereof the following:

“(2) RECOMPUTED BASIS.—For purposes of this section, the term ‘recomputed basis’ means—

“(A) with respect to any property referred to in paragraph (3) (A) or (B), its adjusted basis recomputed by adding thereto all adjustments, attributable to periods after December 31, 1961, or

“(B) with respect to any property referred to in paragraph (3) (C), its adjusted basis recomputed by adding thereto all adjustments, attributable to periods after June 30, 1963,

reflected in such adjusted basis on account of deductions (whether in respect of the same or other property) allowed or allowable to the taxpayer or to any other person for depreciation, or for amortization under section 168.”;

68A Stat. 52.
26 USC 168.

(2) by striking out the period at the end of paragraph (3) (B) and inserting in lieu thereof “, or”; and

(3) by adding at the end of paragraph (3) the following new subparagraph:

“(C) an elevator or an escalator.”

(e) TREATMENT OF INVESTMENT CREDIT BY FEDERAL REGULATORY AGENCIES.—It was the intent of the Congress in providing an investment credit under section 38 of the Internal Revenue Code of 1954, and it is the intent of the Congress in repealing the reduction in basis required by section 48(g) of such Code, to provide an incentive for modernization and growth of private industry (including that portion thereof which is regulated). Accordingly, Congress does not intend that any agency or instrumentality of the United States having jurisdiction with respect to a taxpayer shall, without the consent of the taxpayer, use—

76 Stat. 962.
26 USC 38.
Ante, p. 33.

(1) in the case of public utility property (as defined in section 46(c)(3)(B) of the Internal Revenue Code of 1954), more than a proportionate part (determined with reference to the average useful life of the property with respect to which the credit was allowed) of the credit against tax allowed for any taxable year by section 38 of such Code, or

26 USC 46.

(2) in the case of any other property, any credit against tax allowed by section 38 of such Code,

to reduce such taxpayer's Federal income taxes for the purpose of establishing the cost of service of the taxpayer or to accomplish a similar result by any other method.

(f) EFFECTIVE DATES.—

(1) The amendments made by subsection (b) shall apply with respect to property possession of which is transferred to a lessee on or after the date of enactment of this Act.

(2) The amendments made by subsection (c) shall apply with respect to taxable years ending after June 30, 1963.

(3) The amendments made by subsection (d) shall apply with respect to dispositions after December 31, 1963, in taxable years ending after such date.

SEC. 204. GROUP-TERM LIFE INSURANCE PURCHASED FOR EMPLOYEES.

(a) INCLUSION IN INCOME.—

68A Stat. 19;
76 Stat. 1001.
26 USC 71-78.

(1) Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end thereof the following new section:

"SEC. 79. GROUP-TERM LIFE INSURANCE PURCHASED FOR EMPLOYEES.

"(a) GENERAL RULE.—There shall be included in the gross income of an employee for the taxable year an amount equal to the cost of group-term life insurance on his life provided for part or all of such year under a policy (or policies) carried directly or indirectly by his employer (or employers); but only to the extent that such cost exceeds the sum of—

"(1) the cost of \$50,000 of such insurance, and

"(2) the amount (if any) paid by the employee toward the purchase of such insurance.

"(b) EXCEPTIONS.—Subsection (a) shall not apply to—

"(1) the cost of group-term life insurance on the life of an individual which is provided under a policy carried directly or indirectly by an employer after such individual has terminated his employment with such employer and either has reached the retirement age with respect to such employer or is disabled (within the meaning of paragraph (3) of section 213(g), determined without regard to paragraph (4) thereof),

"(2) the cost of any portion of the group-term life insurance on the life of an employee provided during part or all of the taxable year of the employee under which—

"(A) the employer is directly or indirectly the beneficiary,

or

"(B) a person described in section 170(c) is the sole beneficiary,

for the entire period during such taxable year for which the employee receives such insurance, and

"(3) the cost of any group-term life insurance which is provided under a contract to which section 72(m)(3) applies.

"(c) DETERMINATION OF COST OF INSURANCE.—For purposes of this section and section 6052, the cost of group-term insurance on the life of an employee provided during any period shall be determined on the basis of uniform premiums (computed on the basis of 5-year age brackets) prescribed by regulations by the Secretary or his delegate. In the case of an employee who has attained age 64, the cost prescribed shall not exceed the cost with respect to such individual if he were age 63."

(2) The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end thereof the following:

"Sec. 79. Group-term life insurance purchased for employees."

(3) Section 7701(a)(20) (defining employee) is amended by striking out "For the purpose of applying the provisions of sections 104" and inserting in lieu thereof "For the purpose of applying the provisions of section 79 with respect to group-term life insurance purchased for employees, for the purpose of applying the provisions of sections 104".

(b) WITHHOLDING.—Section 3401(a) (relating to definition of wages) is amended by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; or", and by adding at the end thereof the following new paragraph:

"(14) in the form of group-term life insurance on the life of an employee; or".

72 Stat. 1613.
26 USC 213.

26 USC 170.

76 Stat. 821.
26 USC 72.

Post, p. 37.

26 USC 7701.

26 USC 104.

Post, p. 52;
69 Stat. 616;
75 Stat. 626.
26 USC 3401.

(c) INFORMATION REPORTING.—

(1) REQUIREMENT.—Subpart C of part III of subchapter A of chapter 61 (relating to information and returns) is amended by adding at the end thereof the following new section:

68A Stat. 747.
26 USC 6051.

"SEC. 6052. RETURNS REGARDING PAYMENT OF WAGES IN THE FORM OF GROUP-TERM LIFE INSURANCE.

"(a) REQUIREMENT OF REPORTING.—Every employer who during any calendar year provides group-term life insurance on the life of an employee during part or all of such calendar year under a policy (or policies) carried directly or indirectly by such employer shall make a return according to the forms or regulations prescribed by the Secretary or his delegate, setting forth the cost of such insurance and the name and address of the employee on whose life such insurance is provided, but only to the extent that the cost of such insurance is includible in the employee's gross income under section 79(a). For purposes of this section, the extent to which the cost of group-term life insurance is includible in the employee's gross income under section 79(a) shall be determined as if the employer were the only employer paying such employee remuneration in the form of such insurance.

Ante, p. 36.

"(b) STATEMENTS TO BE FURNISHED TO EMPLOYEES WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—Every employer making a return under subsection (a) shall furnish to each employee whose name is set forth in such return a written statement showing the cost of the group-term life insurance shown on such return. The written statement required under the preceding sentence shall be furnished to the employee on or before January 31 of the year following the calendar year for which the return under subsection (a) was made."

(2) PENALTIES FOR FAILURE TO FURNISH STATEMENTS TO PERSONS WITH RESPECT TO WHOM RETURNS ARE FILED.—Section 6678 (relating to failure to furnish certain statements) is amended—

76 Stat. 1058;
post, p. 75.
26 USC 6678.

(A) by striking out "or 6049(c)" and inserting in lieu thereof "6049(c), or 6052(b)"; and

(B) by striking out "or 6049(a)(1)." and inserting in lieu thereof "6049(a)(1), or 6052(a),".

26 USC 6049.

(3) CLERICAL AMENDMENT.—The table of sections for subpart C of part III of subchapter A of chapter 61 is amended by adding at the end thereof the following:

"Sec. 6052. Returns regarding payment of wages in the form of group-term life insurance."

(4) CROSS REFERENCE.—

For penalty for failure to file information returns required by section 6052(a) of the Internal Revenue Code of 1954 (added by paragraph (1) of this subsection), see section 6652(a)(3) of such Code (as amended by section 221(b)(2) of this Act).

(d) EFFECTIVE DATES.—The amendments made by subsections (a) and (c), and paragraph (3) of section 6652(a) of the Internal Revenue Code of 1954 (as amended by section 221(b)(2) of this Act), shall apply with respect to group-term life insurance provided after December 31, 1963, in taxable years ending after such date. The amendments made by subsection (b) shall apply with respect to remuneration paid after December 31, 1963, in the form of group-term life insurance provided after such date. In applying section 79(b) of the Internal Revenue Code of 1954 (as added by subsection (a)(1) of this section) to a taxable year beginning before May 1, 1964, if paragraph (2)(B) of such section applies with respect to an employee for the period beginning May 1, 1964, and ending with the close of his first taxable year ending after April 30, 1964, such paragraph (2)(B) shall be treated as applying with respect to such

Post, p. 74.

Ante, p. 36.

employee for the period beginning January 1, 1964, and ending April 30, 1964.

SEC. 205. AMOUNTS RECEIVED UNDER WAGE CONTINUATION PLANS.

68A Stat. 30.
26 USC 105.

(a) **WAGE CONTINUATION PLANS.**—The second sentence of section 105(d) (relating to wage continuation plans) is amended to read as follows: “The preceding sentence shall not apply to amounts attributable to the first 30 calendar days in such period, if such amounts are at a rate which exceeds 75 percent of the regular weekly rate of wages of the employee (as determined under regulations prescribed by the Secretary or his delegate). If amounts attributable to the first 30 calendar days in such period are at a rate which does not exceed 75 percent of the regular weekly rate of wages of the employee, the first sentence of this subsection (1) shall not apply to the extent that such amounts exceed a weekly rate of \$75, and (2) shall not apply to amounts attributable to the first 7 calendar days in such period unless the employee is hospitalized on account of personal injuries or sickness for at least one day during such period.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to amounts attributable to periods of absence commencing after December 31, 1963.

SEC. 206. EXCLUSION FROM GROSS INCOME OF GAIN ON SALE OR EXCHANGE OF RESIDENCE OF INDIVIDUAL WHO HAS ATTAINED AGE 65.

26 USC 101-121.

(a) **IN GENERAL.**—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by redesignating section 121 as section 122 and by inserting before such section the following new section:

“SEC. 121. GAIN FROM SALE OR EXCHANGE OF RESIDENCE OF INDIVIDUAL WHO HAS ATTAINED AGE 65.

“(a) **GENERAL RULE.**—At the election of the taxpayer, gross income does not include gain from the sale or exchange of property if—

“(1) the taxpayer has attained the age of 65 before the date of such sale or exchange, and

“(2) during the 8-year period ending on the date of the sale or exchange, such property has been owned and used by the taxpayer as his principal residence for periods aggregating 5 years or more.

“(b) **LIMITATIONS.**—

“(1) **WHERE ADJUSTED SALES PRICE EXCEEDS \$20,000.**—If the adjusted sales price of the property sold or exchanged exceeds \$20,000, subsection (a) shall apply to that portion of the gain which bears the same ratio to the total amount of such gain as \$20,000 bears to such adjusted sales price. For purposes of the preceding sentence, the term ‘adjusted sales price’ has the meaning assigned to such term by section 1034(b)(1) (determined without regard to subsection (d)(7) of this section).

“(2) **APPLICATION TO ONLY ONE SALE OR EXCHANGE.**—Subsection (a) shall not apply to any sale or exchange by the taxpayer if an election by the taxpayer or his spouse under subsection (a) with respect to any other sale or exchange is in effect.

“(c) **ELECTION.**—An election under subsection (a) may be made or revoked at any time before the expiration of the period for making a claim for credit or refund of the tax imposed by this chapter for the taxable year in which the sale or exchange occurred, and shall be made or revoked in such manner as the Secretary or his delegate shall by regulations prescribe. In the case of a taxpayer who is married, an election under subsection (a) or a revocation thereof may be made only if his spouse joins in such election or revocation.

26 USC 1034.

“(d) SPECIAL RULES.—

“(1) PROPERTY HELD JOINTLY BY HUSBAND AND WIFE.—For purposes of this section, if—

“(A) property is held by a husband and wife as joint tenants, tenants by the entirety, or community property,

“(B) such husband and wife make a joint return under section 6013 for the taxable year of the sale or exchange, and

“(C) one spouse satisfies the age, holding, and use requirements of subsection (a) with respect to such property, then both husband and wife shall be treated as satisfying the age, holding, and use requirements of subsection (a) with respect to such property.

“(2) PROPERTY OF DECEASED SPOUSE.—For purposes of this section, in the case of an unmarried individual whose spouse is deceased on the date of the sale or exchange of property, if—

“(A) the deceased spouse (during the 8-year period ending on the date of the sale or exchange) satisfied the holding and use requirements of subsection (a) (2) with respect to such property, and

“(B) no election by the deceased spouse under subsection (a) is in effect with respect to a prior sale or exchange, then such individual shall be treated as satisfying the holding and use requirements of subsection (a) (2) with respect to such property.

“(3) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—For purposes of this section, if the taxpayer holds stock as a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), then—

“(A) the holding requirements of subsection (a) (2) shall be applied to the holding of such stock, and

“(B) the use requirements of subsection (a) (2) shall be applied to the house or apartment which the taxpayer was entitled to occupy as such stockholder.

“(4) INVOLUNTARY CONVERSIONS.—For purposes of this section, the destruction, theft, seizure, requisition, or condemnation of property shall be treated as the sale of such property.

“(5) PROPERTY USED IN PART AS PRINCIPAL RESIDENCE.—In the case of property only a portion of which, during the 8-year period ending on the date of the sale or exchange, has been owned and used by the taxpayer as his principal residence for periods aggregating 5 years or more, this section shall apply with respect to so much of the gain from the sale or exchange of such property as is determined, under regulations prescribed by the Secretary or his delegate, to be attributable to the portion of the property so owned and used by the taxpayer.

“(6) DETERMINATION OF MARITAL STATUS.—In the case of any sale or exchange, for purposes of this section—

“(A) the determination of whether an individual is married shall be made as of the date of the sale or exchange; and

“(B) an individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

“(7) APPLICATION OF SECTIONS 1033 AND 1034.—In applying sections 1033 (relating to involuntary conversions) and 1034 (relating to sale or exchange of residence), the amount realized from the sale or exchange of property shall be treated as being the amount determined without regard to this section, reduced by

68A Stat. 733.
26 USC 6013.

26 USC 216.

26 USC 1033,
1034.

the amount of gain not included in gross income pursuant to an election under this section.”

(b) **TECHNICAL AND CLERICAL AMENDMENTS.**—

72 Stat. 1660.
26 USC 6012.

(1) Section 6012(c) (relating to persons required to make returns of income) is amended to read as follows:

Ante, p. 38.

76 Stat. 1003.
26 USC 911.

“(c) **CERTAIN INCOME EARNED ABROAD OR FROM SALE OF RESIDENCE.**—For purposes of this section, gross income shall be computed without regard to the exclusion provided for in section 121 (relating to sale of residence by individual who has attained age 65) and without regard to the exclusion provided for in section 911 (relating to earned income from sources without the United States).”

(2) The table of sections for part III of subchapter B of chapter 1 is amended by striking out

“Sec. 121. Cross references to other Acts.”

and inserting in lieu thereof

“Sec. 121. Gain from sale or exchange of residence of individual who has attained age 65.

“Sec. 122. Cross references to other Acts.”

26 USC 1033.

(3) Section 1033(h) (relating to involuntary conversions) is amended by adding at the end thereof the following new paragraph:

“(3) For exclusion from gross income of certain gain from involuntary conversion of residence of taxpayer who has attained age 65, see section 121.”

26 USC 1034.

(4) Section 1034 (relating to sale or exchange of residence) is amended by adding at the end thereof the following new subsection:

“(k) **CROSS REFERENCE.**—

“For exclusion from gross income of certain gain from sale or exchange of residence of taxpayer who has attained age 65, see section 121.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to dispositions after December 31, 1963, in taxable years ending after such date.

SEC. 207. DENIAL OF DEDUCTION FOR CERTAIN STATE, LOCAL, AND FOREIGN TAXES.

68A Stat. 47.
26 USC 164.

(a) **IN GENERAL.**—Subsections (a), (b), and (c) of section 164 (relating to deduction for taxes) are amended to read as follows:

“(a) **GENERAL RULE.**—Except as otherwise provided in this section, the following taxes shall be allowed as a deduction for the taxable year within which paid or accrued:

“(1) State and local, and foreign, real property taxes.

“(2) State and local personal property taxes.

“(3) State and local, and foreign, income, war profits, and excess profits taxes.

“(4) State and local general sales taxes.

“(5) State and local taxes on the sale of gasoline, diesel fuel, and other motor fuels.

In addition, there shall be allowed as a deduction State and local, and foreign, taxes not described in the preceding sentence which are paid or accrued within the taxable year in carrying on a trade or business or an activity described in section 212 (relating to expenses for production of income).

26 USC 212.

“(b) **DEFINITIONS AND SPECIAL RULES.**—For purposes of this section—

“(1) **PERSONAL PROPERTY TAXES.**—The term ‘personal property tax’ means an ad valorem tax which is imposed on an annual basis in respect of personal property.

“(2) GENERAL SALES TAXES.—

“(A) IN GENERAL.—The term ‘general sales tax’ means a tax imposed at one rate in respect of the sale at retail of a broad range of classes of items.

“(B) SPECIAL RULES FOR FOOD, ETC.—In the case of items of food, clothing, medical supplies, and motor vehicles—

“(i) the fact that the tax does not apply in respect of some or all of such items shall not be taken into account in determining whether the tax applies in respect of a broad range of classes of items, and

“(ii) the fact that the rate of tax applicable in respect of some or all of such items is lower than the general rate of tax shall not be taken into account in determining whether the tax is imposed at one rate.

“(C) ITEMS TAXED AT DIFFERENT RATES.—Except in the case of a lower rate of tax applicable in respect of an item described in subparagraph (B), no deduction shall be allowed under this section for any general sales tax imposed in respect of an item at a rate other than the general rate of tax.

“(D) COMPENSATING USE TAXES.—A compensating use tax in respect of an item shall be treated as a general sales tax. For purposes of the preceding sentence, the term ‘compensating use tax’ means, in respect of any item, a tax which—

“(i) is imposed on the use, storage, or consumption of such item, and

“(ii) is complementary to a general sales tax, but only if a deduction is allowable under subsection (a)(4) in respect of items sold at retail in the taxing jurisdiction which are similar to such item.

“(3) STATE OR LOCAL TAXES.—A State or local tax includes only a tax imposed by a State, a possession of the United States, or a political subdivision of any of the foregoing, or by the District of Columbia.

“(4) FOREIGN TAXES.—A foreign tax includes only a tax imposed by the authority of a foreign country.

“(5) SEPARATELY STATED GENERAL SALES TAXES AND GASOLINE TAXES.—If the amount of any general sales tax or of any tax on the sale of gasoline, diesel fuel, or other motor fuel is separately stated, then, to the extent that the amount so stated is paid by the consumer (otherwise than in connection with the consumer’s trade or business) to his seller, such amount shall be treated as a tax imposed on, and paid by, such consumer.

“(c) DEDUCTION DENIED IN CASE OF CERTAIN TAXES.—No deduction shall be allowed for the following taxes:

“(1) Taxes assessed against local benefits of a kind tending to increase the value of the property assessed; but this paragraph shall not prevent the deduction of so much of such taxes as is properly allocable to maintenance or interest charges.

“(2) Taxes on real property, to the extent that subsection (d) requires such taxes to be treated as imposed on another taxpayer.”

(b) TECHNICAL AMENDMENTS.—

(1) The first sentence of section 164(f) (relating to payments for municipal services in atomic energy communities) is amended by inserting “State” before “real property taxes”.

68A Stat. 47;
72 Stat. 1608.
26 USC 164.

(2) Section 164(g) (relating to cross references) is amended to read as follows:

“(g) CROSS REFERENCES.—

“(1) For provisions disallowing any deduction for the payment of the tax imposed by subchapter B of chapter 3 (relating to tax-free covenant bonds), see section 1451.

“(2) For provisions disallowing any deduction for certain taxes, see section 275.”

26 USC 261-274.

(3) (A) Part IX of subchapter B of chapter 1 (relating to items not deductible) is amended by adding at the end thereof the following new section:

“SEC. 275. CERTAIN TAXES.

“(a) GENERAL RULE.—No deduction shall be allowed for the following taxes:

“(1) Federal income taxes, including—

75 Stat. 141.

“(A) the tax imposed by section 3101 (relating to the tax on employees under the Federal Insurance Contributions Act);

26 USC 3101-3126.

“(B) the taxes imposed by sections 3201 and 3211 (relating to the taxes on railroad employees and railroad employee representatives); and

73 Stat. 28, 29;
77 Stat. 221.
26 USC 3201, 3211.

“(C) the tax withheld at source on wages under section 3402, and corresponding provisions of prior revenue laws.

Post, p. 140.
26 USC 3402.

“(2) Federal war profits and excess profits taxes.

“(3) Estate, inheritance, legacy, succession, and gift taxes.

“(4) Income, war profits, and excess profits taxes imposed by the authority of any foreign country or possession of the United States, if the taxpayer chooses to take to any extent the benefits of section 901 (relating to the foreign tax credit).

26 USC 901.

26 USC 164.

“(5) Taxes on real property, to the extent that section 164(d) requires such taxes to be treated as imposed on another taxpayer.

“(b) CROSS REFERENCE.—

“For disallowance of certain other taxes, see section 164(c).”

(B) The table of sections for such part IX is amended by adding at the end thereof the following:

“Sec. 275. Certain taxes.”

26 USC 535.

(4) Paragraph (1) of section 535(b) (relating to adjustments to accumulated taxable income) is amended by striking out “section 164(b) (6)” and inserting in lieu thereof “section 275(a) (4)”.

26 USC 545.

(5) The first sentence of paragraph (1) of section 545(b) (relating to adjustments to personal holding company taxable income) is amended by striking out “section 164(b) (6)” and inserting in lieu thereof “section 275(a) (4)”.

26 USC 556.

(6) The first sentence of paragraph (1) of section 556(b) (relating to adjustments to foreign personal holding company taxable income) is amended by striking out “section 164(b) (6)” and inserting in lieu thereof “section 275(a) (4)”.

26 USC 901.

(7) Paragraph (1) of section 901(d) (relating to credit for taxes imposed by foreign countries) is amended by striking out “section 164” and inserting in lieu thereof “sections 164 and 275”.

26 USC 903.

(8) Section 903 (relating to credit for taxes imposed by a foreign country in lieu of income, etc., taxes) is amended by striking out “section 164(b)” and inserting in lieu thereof “sections 164(a) and 275(a)”.

(c) EFFECTIVE DATE.—

(1) GENERAL RULE.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1963.

(2) SPECIAL TAXING DISTRICTS.—Section 164(c) (1) of the Internal Revenue Code of 1954 (as amended by subsection (a)) shall not prevent the deduction under section 164 of such Code (as so amended) of taxes levied by a special taxing district which is described in section 164(b) (5) of such Code (as in effect for a taxable year ending on December 31, 1963) and which was in existence on December 31, 1963, for the purpose of retiring indebtedness existing on such date.

Ante, p. 40.
26 USC 164.

SEC. 208. PERSONAL CASUALTY AND THEFT LOSSES.

(a) LIMITATION ON AMOUNT OF CASUALTY OR THEFT LOSS DEDUCTION.—Section 165(c) (3) (relating to losses of property not connected with trade or business) is amended to read as follows:

68A Stat. 49.
26 USC 165.

“(3) losses of property not connected with a trade or business, if such losses arise from fire, storm, shipwreck, or other casualty, or from theft. A loss described in this paragraph shall be allowed only to the extent that the amount of loss to such individual arising from each casualty, or from each theft, exceeds \$100. For purposes of the \$100 limitation of the preceding sentence, a husband and wife making a joint return under section 6013 for the taxable year in which the loss is allowed as a deduction shall be treated as one individual. No loss described in this paragraph shall be allowed if, at the time of filing the return, such loss has been claimed for estate tax purposes in the estate tax return.”

26 USC 6013.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to losses sustained after December 31, 1963, in taxable years ending after such date.

SEC. 209. CHARITABLE, ETC., CONTRIBUTIONS AND GIFTS.

(a) CERTAIN ORGANIZATIONS ADDED TO ADDITIONAL 10-PERCENT CHARITABLE LIMITATION.—Section 170(b) (1) (A) (relating to limitation on amount of deduction for charitable contributions by individuals) is amended by striking out “or” at the end of clause (iii), and by inserting after clause (iv) the following new clauses:

76 Stat. 1134.
26 USC 170.

“(v) a governmental unit referred to in subsection (c) (1), or

“(vi) an organization referred to in subsection (c) (2) which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501(a)) from a governmental unit referred to in subsection (c) (1) or from direct or indirect contributions from the general public.”

26 USC 501.

(b) UNLIMITED CHARITABLE CONTRIBUTION DEDUCTION.—Section 170 (relating to charitable, etc., contributions and gifts) is amended by inserting after subsection (f) (added by subsection (e) of this section) the following new subsection:

Post, p. 47.

“(g) APPLICATION OF UNLIMITED CHARITABLE CONTRIBUTION DEDUCTION.—

“(1) ALLOWANCE OF DEDUCTION FOR TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1963.—If the taxable year begins after December 31, 1963—

“(A) subsection (b) (1) (C) shall apply only if the taxpayer so elects (at such time and in such manner as the Secretary or his delegate by regulations prescribes); and

“(B) for purposes of subsection (b) (1) (C), the amount of the charitable contributions for the taxable year (and for all prior taxable years beginning after December 31, 1963) shall be determined without the application of subsection (b) (5) and solely by reference to charitable contributions described in paragraph (2).

If the taxpayer elects to have subsection (b) (1) (C) apply for the taxable year, then for such taxable year subsection (a) shall apply only with respect to charitable contributions described in paragraph (2), and no amount of charitable contributions made in the taxable year or any prior taxable year may be treated under subsection (b) (5) as having been made in the taxable year or in any succeeding taxable year.

“(2) QUALIFIED CONTRIBUTIONS.—The charitable contributions referred to in paragraph (1) are—

“(A) any charitable contribution described in subsection (b) (1) (A);

“(B) any charitable contribution, not described in subsection (b) (1) (A), to an organization described in subsection (c) (2) substantially more than half of the assets of which is devoted directly to, and substantially all of the income of which is expended directly for, the active conduct of the activities constituting the purpose or function for which it is organized and operated;

“(C) any charitable contribution, not described in subsection (b) (1) (A), to an organization described in subsection (c) (2) which meets the requirements of paragraph (3) with respect to such charitable contribution; and

“(D) any charitable contribution payment of which is made on or before the date of the enactment of the Revenue Act of 1964.

“(3) ORGANIZATIONS EXPENDING AT LEAST 50 PERCENT OF DONOR'S CONTRIBUTIONS.—An organization shall be an organization referred to in paragraph (2) (C), with respect to any charitable contribution, only if—

“(A) not later than the close of the third year after the organization's taxable year in which the contribution is received (or before such later time as the Secretary or his delegate may allow upon good cause shown by such organization), such organization expends an amount equal to at least 50 percent of such contribution for—

“(i) the active conduct of the activities constituting the purpose or function for which it is organized and operated,

“(ii) assets which are directly devoted to such active conduct,

“(iii) contributions to organizations which are described in subsection (b) (1) (A) or in paragraph (2) (B) of this subsection, or

“(iv) any combination of the foregoing; and

“(B) for the period beginning with the taxable year in which such contribution is received and ending with the taxable year in which subparagraph (A) is satisfied with respect to such contribution, such organization expends all of its net income (determined without regard to capital gains and losses) for the purposes described in clauses (i), (ii), (iii), and (iv) of subparagraph (A).

If the taxpayer so elects (at such time and in such manner as the Secretary or his delegate by regulations prescribes) with respect

to contributions made by him to any organization, then, in applying subparagraph (B) with respect to contributions made by him to such organization during his taxable year for which such election is made and during all his subsequent taxable years, amounts expended by the organization after the close of any of its taxable years and on or before the 15th day of the third month following the close of such taxable year shall be treated as expended during such taxable year.

“(4) **DISQUALIFYING TRANSACTIONS.**—An organization shall be an organization referred to in subparagraph (B) or (C) of paragraph (2) only if at no time during the period consisting of the organization’s taxable year in which the contribution is received, its 3 preceding taxable years, and its 3 succeeding taxable years, such organization—

“(A) lends any part of its income or corpus to,

“(B) pays compensation (other than reasonable compensation for personal services actually rendered) to,

“(C) makes any of its services available on a preferential basis to,

“(D) purchases more than a minimal amount of securities or other property from, or

“(E) sells more than a minimal amount of securities or other property to,

the donor of such contribution, any member of his family (as defined in section 267(c)(4)), any employee of the donor, any officer or employee of a corporation in which he owns (directly or indirectly) 50 percent or more in value of the outstanding stock, or any partner or employee of a partnership in which he owns (directly or indirectly) 50 percent or more of the capital interest or profits interest. This paragraph shall not apply to transactions occurring on or before the date of the enactment of the Revenue Act of 1964.”

68A Stat. 78.
26 USC 267.

(c) 5-YEAR CARRYOVER OF CERTAIN CHARITABLE CONTRIBUTIONS MADE BY INDIVIDUALS.—

(1) **IN GENERAL.**—Section 170(b) (relating to limitations on amount of deduction for charitable contributions) is amended by adding at the end thereof the following new paragraph:

72 Stat. 1610.
26 USC 170.

“(5) **CARRYOVER OF CERTAIN EXCESS CONTRIBUTIONS BY INDIVIDUALS.**—

“(A) In the case of an individual, if the amount of charitable contributions described in paragraph (1)(A) payment of which is made within a taxable year (hereinafter in this paragraph referred to as the ‘contribution year’) beginning after December 31, 1963, exceeds 30 percent of the taxpayer’s adjusted gross income for such year (computed without regard to any net operating loss carryback to such year under section 172), such excess shall be treated as a charitable contribution described in paragraph (1)(A) paid in each of the 5 succeeding taxable years in order of time, but, with respect to any such succeeding taxable year, only to the extent of the lesser of the two following amounts:

26 USC 172.

“(i) the amount by which 30 percent of the taxpayer’s adjusted gross income for such succeeding taxable year (computed without regard to any net operating loss carryback to such succeeding taxable year under section 172) exceeds the sum of the charitable contributions described in paragraph (1)(A) payment of which is made by the taxpayer within such succeeding taxable year (determined without regard to this subparagraph)

and the charitable contributions described in paragraph (1)(A) payment of which was made in taxable years (beginning after December 31, 1963) before the contribution year which are treated under this subparagraph as having been paid in such succeeding taxable year; or

“(ii) in the case of the first succeeding taxable year, the amount of such excess, and in the case of the second, third, fourth, or fifth succeeding taxable year, the portion of such excess not treated under this subparagraph as a charitable contribution described in paragraph (1)(A) paid in any taxable year intervening between the contribution year and such succeeding taxable year.

“(B) In applying subparagraph (A), the excess determined under subparagraph (A) for the contribution year shall be reduced to the extent that such excess reduces taxable income (as computed for purposes of the second sentence of section 172(b)(2)) and increases the net operating loss deduction for a taxable year succeeding the contribution year.”

76 Stat. 889.
26 USC 172.

72 Stat. 1631.
26 USC 545.

26 USC 556.

(2) TECHNICAL AMENDMENTS.—Sections 545(b)(2) (relating to deductions for charitable contributions by personal holding companies) and 556(b)(2) (relating to deductions for charitable contributions by foreign personal holding companies) are each amended by striking out “section 170(b)(2)” and inserting in lieu thereof “section 170(b)(2) and (5)”.

(d) 5-YEAR CARRYOVER OF CERTAIN CHARITABLE CONTRIBUTIONS MADE BY CORPORATIONS.—

68A Stat. 58.
26 USC 170.

(1) IN GENERAL.—Section 170(b)(2) (relating to limitation on amount of deduction for charitable contributions by corporations) is amended by striking out the sentence following subparagraph (D) and inserting in lieu thereof the following:

“Any contribution made by a corporation in a taxable year (hereinafter in this sentence referred to as the ‘contribution year’) in excess of the amount deductible for such year under the preceding sentence shall be deductible for each of the 5 succeeding taxable years in order of time, but only to the extent of the lesser of the two following amounts: (i) the excess of the maximum amount deductible for such succeeding taxable year under the preceding sentence over the sum of the contributions made in such year plus the aggregate of the excess contributions which were made in taxable years before the contribution year and which are deductible under this sentence for such succeeding taxable year; or (ii) in the case of the first succeeding taxable year, the amount of such excess contribution, and in the case of the second, third, fourth, or fifth succeeding taxable year, the portion of such excess contribution not deductible under this sentence for any taxable year intervening between the contribution year and such succeeding taxable year.”

26 USC 381.

(2) CARRYOVERS IN CERTAIN CORPORATE ACQUISITIONS.—Paragraph (19) of section 381(c) (relating to items of distributor or transferor corporation) is amended to read as follows:

“(19) CHARITABLE CONTRIBUTIONS IN EXCESS OF PRIOR YEARS’ LIMITATIONS.—Contributions made in the taxable year ending on the date of distribution or transfer and the 4 prior taxable years by the distributor or transferor corporation in excess of the amount deductible under section 170(b)(2) for such taxable years shall be deductible by the acquiring corporation for its taxable years which begin after the date of distribution or transfer, subject to the limitations imposed in section 170(b)(2). In applying the preceding sentence, each taxable year

of the distributor or transferor corporation beginning on or before the date of distribution or transfer shall be treated as a prior taxable year with reference to the acquiring corporation's taxable years beginning after such date."

(e) **FUTURE INTERESTS IN TANGIBLE PERSONAL PROPERTY.**—Section 170 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsections (f) and (g) as subsections (h) and (i), respectively, and by inserting after subsection (e) the following new subsection:

76 Stat. 1034;
Ante, p. 43.
26 USC 170.

"(f) **FUTURE INTERESTS IN TANGIBLE PERSONAL PROPERTY.**—For purposes of this section, payment of a charitable contribution which consists of a future interest in tangible personal property shall be treated as made only when all intervening interests in, and rights to the actual possession or enjoyment of, the property have expired or are held by persons other than the taxpayer or those standing in a relationship to the taxpayer described in section 267(b). For purposes of the preceding sentence, a fixture which is intended to be severed from the real property shall be treated as tangible personal property."

26 USC 267.

(f) **EFFECTIVE DATES.**—

(1) The amendments made by subsections (a), (b), and (c), shall apply with respect to contributions which are paid in taxable years beginning after December 31, 1963.

(2) The amendments made by subsection (d) shall apply to taxable years beginning after December 31, 1963, with respect to contributions which are paid (or treated as paid under section 170(a)(2) of the Internal Revenue Code of 1954) in taxable years beginning after December 31, 1961.

(3) The amendments made by subsection (e) shall apply to transfers of future interests made after December 31, 1963, in taxable years ending after such date, except that such amendments shall not apply to any transfer of a future interest made before July 1, 1964, where—

(A) the sole intervening interest or right is a nontransferable life interest reserved by the donor, or

(B) in the case of a joint gift by husband and wife, the sole intervening interest or right is a nontransferable life interest reserved by the donors which expires not later than the death of whichever of such donors dies later.

For purposes of the exception contained in the preceding sentence, a right to make a transfer of the reserved life interest to the donee of the future interest shall not be treated as making a life interest transferable.

SEC. 210. LOSSES ARISING FROM EXPROPRIATION OF PROPERTY BY GOVERNMENTS OF FOREIGN COUNTRIES.

(a) **NET OPERATING LOSS CARRYOVER.**—Section 172 (relating to net operating loss deduction) is amended—

76 Stat. 889.
26 USC 172.

(1) by striking out "Except as provided in clause (ii)" in subsection (b)(1)(A)(i) and inserting in lieu thereof "Except as provided in clause (ii) and in subparagraph (D)";

(2) by striking out "Except as provided in subparagraph (C)" in subsection (b)(1)(B) and inserting in lieu thereof "Except as provided in subparagraphs (C) and (D)";

(3) by adding at the end of subsection (b)(1) the following new subparagraph:

"(D) In the case of a taxpayer which has a foreign expropriation loss (as defined in subsection (k)) for any taxable year ending after December 31, 1958, the portion of the net operating loss for such year attributable to such foreign ex-

Post, p. 48.

propriation loss shall not be a net operating loss carryback to any taxable year preceding the taxable year of such loss and shall be a net operating loss carryover to each of the 10 taxable years following the taxable year of such loss.”;

(4) by adding at the end of subsection (b) (3) the following new subparagraphs:

“(C) Paragraph (1) (D) shall apply only if—

“(i) the foreign expropriation loss (as defined in subsection (k)) for the taxable year equals or exceeds 50 percent of the net operating loss for the taxable year,

“(ii) in the case of a foreign expropriation loss for a taxable year ending after December 31, 1963, the taxpayer elects (at such time and in such manner as the Secretary or his delegate by regulations prescribes) to have paragraph (1) (D) apply, and

“(iii) in the case of a foreign expropriation loss for a taxable year ending after December 31, 1958, and before January 1, 1964, the taxpayer elects (in such manner as the Secretary or his delegate by regulations prescribes) on or before December 31, 1965, to have paragraph (1) (D) apply.

“(D) If a taxpayer makes an election under subparagraph (C) (iii), then (notwithstanding any law or rule of law), with respect to any taxable year ending before January 1, 1964, affected by the election—

“(i) the time for making or changing any choice or election under subpart A of part III of subchapter N (relating to foreign tax credit) shall not expire before January 1, 1966,

“(ii) any deficiency attributable to the election under subparagraph (C) (iii) or to the application of clause (i) of this subparagraph may be assessed at any time before January 1, 1969, and

“(iii) refund or credit of any overpayment attributable to the election under subparagraph (C) (iii) or to the application of clause (i) of this subparagraph may be made or allowed if claim therefor is filed before January 1, 1969.”;

(5) by redesignating subsection (k) as (l), and by inserting after subsection (j) the following new subsection:

“(k) FOREIGN EXPROPRIATION LOSS DEFINED.—For purposes of subsection (b)—

“(1) The term ‘foreign expropriation loss’ means, for any taxable year, the sum of the losses sustained by reason of the expropriation, intervention, seizure, or similar taking of property by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing. For purposes of the preceding sentence, a debt which becomes worthless shall, to the extent of any deduction allowed under section 166(a), be treated as a loss.

“(2) The portion of the net operating loss for any taxable year attributable to a foreign expropriation loss is the amount of the foreign expropriation loss for such year (but not in excess of the net operating loss for such year).”

(b) TECHNICAL AMENDMENTS.—Section 172(b) (2) is amended—

(1) by striking out subparagraph (B) and inserting in lieu thereof the following:

“(B) by determining the amount of the net operating loss deduction—

68A Stat. 285,
26 USC 901-905.

76 Stat. 649,
26 USC 172.

76 Stat. 889,
26 USC 172.

“(i) without regard to the net operating loss for the loss year or for any taxable year thereafter, and

“(ii) without regard to that portion, if any, of a net operating loss for a taxable year attributable to a foreign expropriation loss, if such portion may not, under paragraph (1)(D), be carried back to such prior taxable year.”; and

(2) by adding at the end thereof the following new sentence: “For purposes of this paragraph, if a portion of the net operating loss for the loss year is attributable to a foreign expropriation loss to which paragraph (1)(D) applies, such portion shall be considered to be a separate net operating loss for such year to be applied after the other portion of such net operating loss.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply in respect of foreign expropriation losses (as defined in section 172(k) of the Internal Revenue Code of 1954, as amended by subsection (a) (5) of this section), sustained in taxable years ending after December 31, 1958.

Ante, p. 48.

SEC. 211. ONE-PERCENT LIMITATION ON MEDICINE AND DRUGS.

(a) **GENERAL RULE.**—Subsection (b) of section 213 (relating to medical, dental, etc., expenses) is amended by adding at the end thereof the following new sentence: “The preceding sentence shall not apply to amounts paid for the care of—

68A Stat. 69.
26 USC 213.

“(1) the taxpayer and his spouse, if either of them has attained the age of 65 before the close of the taxable year, or

“(2) any dependent described in subsection (a) (1) (A).”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1963.

SEC. 212. CARE OF DEPENDENTS.

(a) **CHILD CARE ALLOWANCE.**—Section 214 (relating to expenses for care of certain dependents) is amended to read as follows:

26 USC 214.

“SEC. 214. EXPENSES FOR CARE OF CERTAIN DEPENDENTS.

“(a) **GENERAL RULE.**—There shall be allowed as a deduction expenses paid during the taxable year by a taxpayer who is a woman or widower, or is a husband whose wife is incapacitated or is institutionalized, for the care of one or more dependents (as defined in subsection (d) (1)), but only if such care is for the purpose of enabling the taxpayer to be gainfully employed.

“(b) **LIMITATIONS.**—

“(1) **DOLLAR LIMIT.**—

“(A) Except as provided in subparagraph (B), the deduction under subsection (a) shall not exceed \$600 for any taxable year.

“(B) The \$600 limit of subparagraph (A) shall be increased (to an amount not above \$900) by the amount of expenses incurred by the taxpayer for any period during which the taxpayer had 2 or more dependents.

“(2) **WORKING WIVES AND HUSBANDS WITH INCAPACITATED WIVES.**—In the case of a woman who is married and in the case of a husband whose wife is incapacitated, the deduction under subsection (a)—

“(A) shall not be allowed unless the taxpayer and his spouse file a joint return for the taxable year, and

“(B) shall be reduced by the amount (if any) by which the adjusted gross income of the taxpayer and his spouse exceeds \$6,000.

This paragraph shall not apply, in the case of a woman who is married, to expenses incurred while her husband is incapable of

self-support because mentally or physically defective, or, in the case of a husband whose wife is incapacitated, to expenses incurred while his wife is institutionalized if such institutionalization is for a period of at least 90 consecutive days (whether or not within one taxable year) or a shorter period if terminated by her death.

“(3) CERTAIN PAYMENTS NOT TAKEN INTO ACCOUNT.—Subsection (a) shall not apply to any amount paid to an individual with respect to whom the taxpayer is allowed for his taxable year a deduction under section 151 (relating to deductions for personal exemptions).

68A Stat. 42.
26 USC 151.

“(c) SPECIAL RULE WHERE WIFE IS INCAPACITATED OR INSTITUTIONALIZED.—In the case of a husband whose wife is incapacitated or is institutionalized, the deduction under subsection (a) shall be allowed only for expenses incurred while the wife was incapacitated or institutionalized (as the case may be) for a period of at least 90 consecutive days (whether or not within one taxable year) or a shorter period if terminated by her death.

“(d) DEFINITIONS.—For purposes of this section—

“(1) DEPENDENT.—The term ‘dependent’ means a person with respect to whom the taxpayer is entitled to an exemption under section 151(e) (1)—

26 USC 152.

“(A) who has not attained the age of 13 years and who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the taxpayer; or

“(B) who is physically or mentally incapable of caring for himself.

“(2) WIDOWER.—The term ‘widower’ includes an unmarried individual who is legally separated from his spouse under a decree of divorce or of separate maintenance.

“(3) INCAPACITATED WIFE.—A wife shall be considered incapacitated only (A) while she is incapable of caring for herself because mentally or physically defective, or (B) while she is institutionalized.

“(4) INSTITUTIONALIZED WIFE.—A wife shall be considered institutionalized only while she is, for the purpose of receiving medical care or treatment, an inpatient, resident, or inmate of a public or private hospital, sanitarium, or other similar institution.

“(5) DETERMINATION OF STATUS.—A woman shall not be considered as married if—

“(A) she is legally separated from her spouse under a decree of divorce or of separate maintenance at the close of the taxable year, or

“(B) she has been deserted by her spouse, does not know his whereabouts (and has not known his whereabouts at any time during the taxable year), and has applied to a court of competent jurisdiction for appropriate process to compel him to pay support or otherwise to comply with the law or a judicial order, as determined under regulations prescribed by the Secretary or his delegate.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1963.

SEC. 213. MOVING EXPENSES.

(a) DEDUCTION ALLOWED FOR MOVING EXPENSES.—

26 USC 211-217.

(1) Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals) is amended by redesignating section 217 as section 218 and by inserting after section 216 the following new section:

"SEC. 217. MOVING EXPENSES.

"(a) DEDUCTION ALLOWED.—There shall be allowed as a deduction moving expenses paid or incurred during the taxable year in connection with the commencement of work by the taxpayer as an employee at a new principal place of work.

"(b) DEFINITION OF MOVING EXPENSES.—

"(1) IN GENERAL.—For purposes of this section, the term 'moving expenses' means only the reasonable expenses—

"(A) of moving household goods and personal effects from the former residence to the new residence, and

"(B) of traveling (including meals and lodging) from the former residence to the new place of residence.

"(2) INDIVIDUALS OTHER THAN TAXPAYER.—In the case of any individual other than the taxpayer, expenses referred to in paragraph (1) shall be taken into account only if such individual has both the former residence and the new residence as his principal place of abode and is a member of the taxpayer's household.

"(c) CONDITIONS FOR ALLOWANCE.—No deduction shall be allowed under this section unless—

"(1) the taxpayer's new principal place of work—

"(A) is at least 20 miles farther from his former residence than was his former principal place of work, or

"(B) if he had no former principal place of work, is at least 20 miles from his former residence, and

"(2) during the 12-month period immediately following his arrival in the general location of his new principal place of work, the taxpayer is a full-time employee, in such general location, during at least 39 weeks.

"(d) RULES FOR APPLICATION OF SUBSECTION (c) (2).—

"(1) Subsection (c) (2) shall not apply to any item to the extent that the taxpayer receives reimbursement or other expense allowance from his employer for such item.

"(2) If a taxpayer has not satisfied the condition of subsection (c) (2) before the time prescribed by law (including extensions thereof) for filing the return for the taxable year during which he paid or incurred moving expenses which would otherwise be deductible under this section, but may still satisfy such condition, then such expenses may (at the election of the taxpayer) be deducted for such taxable year notwithstanding subsection (c) (2).

"(3) If—

"(A) for any taxable year moving expenses have been deducted in accordance with the rule provided in paragraph (2), and

"(B) the condition of subsection (c) (2) is not satisfied by the close of the subsequent taxable year,

then an amount equal to the expenses which were so deducted shall be included in gross income for such subsequent taxable year.

"(e) DISALLOWANCE OF DEDUCTION WITH RESPECT TO REIMBURSEMENTS NOT INCLUDED IN GROSS INCOME.—No deduction shall be allowed under this section for any item to the extent that the taxpayer receives reimbursement or other expense allowance for such item which is not included in his gross income.

"(f) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.

(2) The table of sections for part VII of subchapter B of chapter 1 is amended by striking out—

“Sec. 217. Cross references.”

and inserting in lieu thereof the following:

“Sec. 217. Moving expenses.

“Sec. 218. Cross references.”

68A Stat. 17;
76 Stat. 828.
26 USC 62.

(b) **ADJUSTED GROSS INCOME.**—Section 62 (defining adjusted gross income) is amended by inserting after paragraph (7) the following new paragraph:

“(8) **MOVING EXPENSE DEDUCTION.**—The deduction allowed by section 217.”

Ante, p. 51.

Ante, p. 36.

(c) **WITHHOLDING.**—Section 3401(a) (relating to definition of “wages”) is amended by adding after paragraph (14) (added by section 204(b) of this Act) the following new paragraph:

“(15) to or on behalf of an employee if (and to the extent that) at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217.”

(d) **EFFECTIVE DATES.**—The amendments made by subsections (a) and (b) shall apply to expenses incurred after December 31, 1963, in taxable years ending after such date. The amendment made by subsection (c) shall apply with respect to remuneration paid after the seventh day following the date of the enactment of this Act.

SEC. 214. 100 PERCENT DIVIDENDS RECEIVED DEDUCTION FOR MEMBERS OF ELECTING AFFILIATED GROUPS.

26 USC 243.

(a) **100 PERCENT DIVIDENDS RECEIVED DEDUCTION.**—Section 243 (relating to dividends received by corporations) is amended to read as follows:

“SEC. 243. DIVIDENDS RECEIVED BY CORPORATIONS.

“(a) **GENERAL RULE.**—In the case of a corporation, there shall be allowed as a deduction an amount equal to the following percentages of the amount received as dividends from a domestic corporation which is subject to taxation under this chapter:

“(1) 85 percent, in the case of dividends other than dividends described in paragraph (2) or (3);

“(2) 100 percent, in the case of dividends received by a small business investment company operating under the Small Business Investment Act of 1958; and

“(3) 100 percent, in the case of qualifying dividends (as defined in subsection (b)(1)).

“(b) **QUALIFYING DIVIDENDS.**—

“(1) **DEFINITION.**—For purposes of subsection (a)(3), the term ‘qualifying dividends’ means dividends received by a corporation which, at the close of the day the dividends are received, is a member of the same affiliated group of corporations (as defined in paragraph (5)) as the corporation distributing the dividends, if—

“(A) such affiliated group has made an election under paragraph (2) which is effective for the taxable years of its members which include such day, and

“(B) such dividends are distributed out of earnings and profits of a taxable year of the distributing corporation ending after December 31, 1963—

“(i) on each day of which the distributing corporation and the corporation receiving the dividends were members of such affiliated group, and

“(ii) for which an election under section 1562 (relating to election of multiple surtax exemptions) is not effective.

72 Stat. 689.
15 USC 661
note.

Post, p. 117.

“(2) **ELECTION.**—An election under this paragraph shall be made for an affiliated group by the common parent corporation, and shall be made for any taxable year of the common parent corporation at such time and in such manner as the Secretary or his delegate by regulations prescribes. Such election may not be made for an affiliated group for any taxable year of the common parent corporation for which an election under section 1562 is effective. Each corporation which is a member of such group at any time during its taxable year which includes the last day of such taxable year of the common parent corporation must consent to such election at such time and in such manner as the Secretary or his delegate by regulations prescribes. An election under this paragraph shall be effective—

Post, p. 117.

“(A) for the taxable year of each member of such affiliated group which includes the last day of the taxable year of the common parent corporation with respect to which the election is made (except that in the case of a taxable year of a member beginning in 1963 and ending in 1964, if the election is effective for the taxable year of the common parent corporation which includes the last day of such taxable year of such member, such election shall be effective for such taxable year of such member, if such member consents to such election with respect to such taxable year), and

“(B) for the taxable year of each member of such affiliated group which ends after the last day of such taxable year of the common parent corporation but which does not include such date, unless the election is terminated under paragraph (4).

“(3) **EFFECT OF ELECTION.**—If an election by an affiliated group is effective with respect to a taxable year of the common parent corporation, then under regulations prescribed by the Secretary or his delegate—

“(A) no member of such affiliated group may consent to an election under section 1562 for such taxable year,

“(B) the members of such affiliated group shall be treated as one taxpayer for purposes of making the elections under section 901(a) (relating to allowance of foreign tax credit) and section 904(b)(1) (relating to election of overall limitation), and

68A Stat. 285.
26 USC 901.
74 Stat. 1010.
26 USC 904.

“(C) the members of such affiliated group shall be limited to one—

“(i) \$100,000 minimum accumulated earnings credit under section 535(c)(2) or (3),

26 USC 535.

“(ii) \$100,000 limitation for exploration expenditures under section 615(a) and (b),

26 USC 615.

“(iii) \$400,000 limitation for exploration expenditures under section 615(c)(1),

“(iv) \$25,000 limitation on small business deduction of life insurance companies under sections 804(a)(4) and 809(d)(10), and

73 Stat. 115.
26 USC 804.
26 USC 809.

“(v) \$100,000 exemption for purposes of estimated tax filing requirements under section 6016 and the addition to tax under section 6655 for failure to pay estimated tax.

26 USC 6016.
26 USC 6655.

“(4) **TERMINATION.**—An election by an affiliated group under paragraph (2) shall terminate with respect to the taxable year of the common parent corporation and with respect to the taxable years of the members of such affiliated group which include the last day of such taxable year of the common parent corporation if—

“(A) CONSENT OF MEMBERS.—Such affiliated group files a termination of such election (at such time and in such manner as the Secretary or his delegate by regulations prescribes) with respect to such taxable year of the common parent corporation, and each corporation which is a member of such affiliated group at any time during its taxable year which includes the last day of such taxable year of the common parent corporation consents to such termination, or

“(B) REFUSAL BY NEW MEMBER TO CONSENT.—During such taxable year of the common parent corporation such affiliated group includes a member which—

“(i) was not a member of such group during such common parent corporation’s immediately preceding taxable year, and

“(ii) such member files a statement that it does not consent to the election at such time and in such manner as the Secretary or his delegate by regulations prescribes.

“(5) DEFINITION OF AFFILIATED GROUP.—For purposes of this subsection, the term ‘affiliated group’ has the meaning assigned to it by section 1504(a), except that for such purposes sections 1504(b)(2) and 1504(c) shall not apply.

“(6) SPECIAL RULES FOR INSURANCE COMPANIES.—If an election under this subsection is effective for the taxable year of an insurance company subject to taxation under section 802 or 821—

“(A) part II of subchapter B of chapter 6 (relating to certain controlled corporations) shall be applied without regard to section 1563(a)(4) (relating to certain insurance companies) and section 1563(b)(2)(I) (relating to certain excluded members) with respect to such company and the other corporations which are members of the controlled group of corporations (as determined under section 1563 without regard to subsections (a)(4) and (b)(2)(I)) of which such company is a member, and

“(B) for purposes of paragraph (1), a distribution by such company out of earnings and profits of a taxable year for which an election under this subsection was not effective, and for which such company was not a component member of a controlled group of corporations within the meaning of section 1563 solely by reason of section 1563(b)(2)(I), shall not be a qualifying dividend.

“(c) SPECIAL RULES FOR CERTAIN DISTRIBUTIONS.—For purposes of subsection (a)—

“(1) Any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, etc.) shall not be treated as a dividend.

“(2) A dividend received from a regulated investment company shall be subject to the limitations prescribed in section 854.

“(3) Any dividend received from a real estate investment trust which, for the taxable year of the trust in which the dividend is paid, qualifies under part II of subchapter M (section 856 and following) shall not be treated as a dividend.

“(4) Any dividend received which is described in section 244 (relating to dividends received on preferred stock of a public utility) shall not be treated as a dividend.

“(d) CERTAIN DIVIDENDS FROM FOREIGN CORPORATIONS.—For purposes of subsection (a) and for purposes of section 245, any dividend from a foreign corporation from earnings and profits accumulated by a domestic corporation during a period with respect to which such domestic corporation was subject to taxation under this chapter

68A Stat. 369,
26 USC 1504.

73 Stat. 115.
26 USC 802.
Ante, p. 29.

Post, p. 120.

26 USC 591.

Ante, p. 32;
post, p. 99.
26 USC 854.

74 Stat. 1004.
26 USC 856-858.
Post, p. 55.
26 USC 244.

76 Stat. 977.
26 USC 245.

(or corresponding provisions of prior law) shall be treated as a dividend from a domestic corporation which is subject to taxation under this chapter."

(b) TECHNICAL AMENDMENTS.—

(1) Section 244 (relating to dividends received on certain preferred stock) is amended by inserting "(a) GENERAL RULE.—" before "In case of a corporation," and by adding at the end thereof the following new subsection:

68A Stat. 73.
26 USC 244.

"(b) EXCEPTION.—If the dividends described in subsection (a) (1) are qualifying dividends (as defined in section 243(b) (1), but determined without regard to section 243(c) (4))—

Ante, p. 52.

"(1) subsection (a) shall be applied separately to such qualifying dividends, and

"(2) for purposes of subsection (a) (3), the percentage applicable to such qualifying dividends shall be 100 percent in lieu of 85 percent."

(2) Section 246(b) (relating to limitation on aggregate amount of deductions for dividends received) is amended by striking out "243(a), 244," each place it appears therein and inserting in lieu thereof "243(a) (1), 244(a),".

26 USC 246.

(3) Section 804(a) (5) (relating to the application of section 246(b) to taxable investment income of life insurance companies) is amended by striking out "243(a), 244," and inserting in lieu thereof "243(a) (1), 244(a),".

73 Stat. 115.
26 USC 804.

(4) Section 809(d) (8) (B) (relating to the application of section 246(b) to the life insurance company's share of certain dividends) is amended by striking out "243(a), 244," each place it appears therein and inserting in lieu thereof "243(a) (1), 244(a),".

26 USC 809.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to dividends received in taxable years ending after December 31, 1963.

SEC. 215. INTEREST ON LOANS INCURRED TO PURCHASE CERTAIN INSURANCE AND ANNUITY CONTRACTS.

(a) DISALLOWANCE OF INTEREST DEDUCTION.—Section 264(a) (relating to certain amounts paid in connection with insurance contracts) is amended—

26 USC 264.

(1) by inserting after paragraph (2) the following new paragraph:

"(3) Except as provided in subsection (c), any amount paid or accrued on indebtedness incurred or continued to purchase or carry a life insurance, endowment, or annuity contract (other than a single premium contract or a contract treated as a single premium contract) pursuant to a plan of purchase which contemplates the systematic direct or indirect borrowing of part or all of the increases in the cash value of such contract (either from the insurer or otherwise)."

(2) by adding at the end thereof the following new sentence: "Paragraph (3) shall apply only in respect of contracts purchased after August 6, 1963."

(b) EXCEPTIONS.—Section 264 is amended by adding at the end thereof the following new subsection:

"(c) EXCEPTIONS.—Subsection (a) (3) shall not apply to any amount paid or accrued by a person during a taxable year on indebtedness incurred or continued as part of a plan referred to in subsection (a) (3)—

"(1) if no part of 4 of the annual premiums due during the 7-year period (beginning with the date the first premium on the

contract to which such plan relates was paid) is paid under such plan by means of indebtedness,

“(2) if the total of the amounts paid or accrued by such person during such taxable year for which (without regard to this paragraph) no deduction would be allowable by reason of subsection (a) (3) does not exceed \$100,

“(3) if such amount was paid or accrued on indebtedness incurred because of an unforeseen substantial loss of income or unforeseen substantial increase in his financial obligations, or

“(4) if such indebtedness was incurred in connection with his trade or business.

For purposes of applying paragraph (1), if there is a substantial increase in the premiums on a contract, a new 7-year period described in such paragraph with respect to such contract shall commence on the date the first such increased premium is paid.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to amounts paid or accrued in taxable years beginning after December 31, 1963.

SEC. 216. INTEREST ON INDEBTEDNESS INCURRED OR CONTINUED TO PURCHASE OR CARRY TAX-EXEMPT BONDS.

(a) **APPLICATION WITH RESPECT TO CERTAIN FINANCIAL INSTITUTIONS.**—Section 265 (relating to expenses and interest relating to tax-exempt income) is amended by adding at the end of paragraph (2) the following new sentence: “In applying the preceding sentence to a financial institution (other than a bank) which is a face-amount certificate company registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 and following) and which is subject to the banking laws of the State in which such institution is incorporated, interest on face-amount certificates (as defined in section 2(a) (15) of such Act) issued by such institution, and interest on amounts received for the purchase of such certificates to be issued by such institution, shall not be considered as interest on indebtedness incurred or continued to purchase or carry obligations the interest on which is wholly exempt from the taxes imposed by this subtitle, to the extent that the average amount of such obligations held by such institution during the taxable year (as determined under regulations prescribed by the Secretary or his delegate) does not exceed 15 percent of the average of the total assets held by such institution during the taxable year (as so determined).”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to taxable years ending after the date of the enactment of this Act.

SEC. 217. LIMITATION OF TRAVEL ALLOCATION REQUIREMENT TO FOREIGN TRAVEL.

(a) **LIMITATION OF APPLICATION OF SECTION 274(c).**—Section 274 (c) (relating to traveling) is amended to read as follows:

“(c) **CERTAIN FOREIGN TRAVEL.**—

“(1) **IN GENERAL.**—In the case of any individual who travels outside the United States away from home in pursuit of a trade or business or in pursuit of an activity described in section 212, no deduction shall be allowed under section 162 or section 212 for that portion of the expenses of such travel otherwise allowable under such section which, under regulations prescribed by the Secretary or his delegate, is not allocable to such trade or business or to such activity.

68A Stat. 78.
26 USC 265.

54 Stat. 789.

15 USC 80a-2.

76 Stat. 974.
26 USC 274.

26 USC 212.
26 USC 162.

“(2) EXCEPTION.—Paragraph (1) shall not apply to the expenses of any travel outside the United States away from home if—

“(A) such travel does not exceed one week, or

“(B) the portion of the time of travel outside the United States away from home which is not attributable to the pursuit of the taxpayer's trade or business or an activity described in section 212 is less than 25 percent of the total time on such travel.

68A Stat. 69,
26 USC 212.

“(3) DOMESTIC TRAVEL EXCLUDED.—For purposes of this subsection, travel outside the United States does not include any travel from one point in the United States to another point in the United States.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to taxable years ending after December 31, 1962, but only in respect of periods after such date.

SEC. 218. ACQUISITION OF STOCK IN EXCHANGE FOR STOCK OF CORPORATION WHICH IS IN CONTROL OF ACQUIRING CORPORATION.

(a) DEFINITION OF REORGANIZATION.—Section 368(a)(1) (relating to definition of reorganization) is amended by inserting after “voting stock” in subparagraph (B) “(or in exchange solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation)”.

26 USC 368.

(b) TECHNICAL AMENDMENTS.—

(1) Section 368(a)(2)(C) (relating to special rules) is amended to read as follows:

“(C) TRANSFERS OF ASSETS OR STOCK TO SUBSIDIARIES IN CERTAIN PARAGRAPH (1) (A), (1) (B), AND (1) (C) CASES.—A transaction otherwise qualifying under paragraph (1) (A), (1) (B), or (1) (C) shall not be disqualified by reason of the fact that part or all of the assets or stock which were acquired in the transaction are transferred to a corporation controlled by the corporation acquiring such assets or stock.”

(2) Section 368(b) (relating to definition of party to a reorganization) is amended by striking out the last two sentences and inserting in lieu thereof the following: “In the case of a reorganization qualifying under paragraph (1) (B) or (1) (C) of subsection (a), if the stock exchanged for the stock or properties is stock of a corporation which is in control of the acquiring corporation, the term ‘a party to a reorganization’ includes the corporation so controlling the acquiring corporation. In the case of a reorganization qualifying under paragraph (1) (A), (1) (B), or (1) (C) of subsection (a) by reason of paragraph (2) (C) of subsection (a), the term ‘a party to a reorganization’ includes the corporation controlling the corporation to which the acquired assets or stock are transferred.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to transactions after December 31, 1963, in taxable years ending after such date.

SEC. 219. RETROACTIVE QUALIFICATION OF CERTAIN UNION-NEGOTIATED MULTIEMPLOYER PENSION PLANS.

(a) BEGINNING OF PERIOD AS QUALIFIED TRUST.—Section 401 (relating to qualified pension, profit-sharing, and stock bonus plans) is amended by redesignating subsection (i) as subsection (j), and by inserting after subsection (h) the following new subsection:

“(i) CERTAIN UNION-NEGOTIATED MULTIEMPLOYER PENSION PLANS.—In the case of a trust forming part of a pension plan which

76 Stat. 809,
1141.
26 USC 401.

68A Stat. 163.
26 USC 501.

has been determined by the Secretary or his delegate to constitute a qualified trust under subsection (a) and to be exempt from taxation under section 501(a) for a period beginning after contributions were first made to or for such trust, if it is shown to the satisfaction of the Secretary or his delegate that—

“(1) such trust was created pursuant to a collective bargaining agreement between employee representatives and two or more employers who are not related (determined under regulations prescribed by the Secretary or his delegate),

“(2) any disbursements of contributions, made to or for such trust before the time as of which the Secretary or his delegate determined that the trust constituted a qualified trust, substantially complied with the terms of the trust, and the plan of which the trust is a part, as subsequently qualified, and

“(3) before the time as of which the Secretary or his delegate determined that the trust constitutes a qualified trust, the contributions to or for such trust were not used in a manner which would jeopardize the interests of its beneficiaries,

then such trust shall be considered as having constituted a qualified trust under subsection (a) and as having been exempt from taxation under section 501(a) for the period beginning on the date on which contributions were first made to or for such trust and ending on the date such trust first constituted (without regard to this subsection) a qualified trust under subsection (a).”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1953, and ending after August 16, 1954, but only with respect to contributions made after December 31, 1954.

SEC. 220. QUALIFIED PENSION, ETC., PLAN COVERAGE FOR EMPLOYEES OF CERTAIN SUBSIDIARY EMPLOYERS.

26 USC 401-405.

(a) **EMPLOYEES OF FOREIGN SUBSIDIARIES COVERED BY SOCIAL SECURITY AGREEMENTS.**—Part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by adding at the end thereof the following new section:

“SEC. 406. CERTAIN EMPLOYEES OF FOREIGN SUBSIDIARIES.

76 Stat. 809.
26 USC 401.
26 USC 403.
76 Stat. 826.
26 USC 405.

68 Stat. 1094.
26 USC 3121.

“(a) **TREATMENT AS EMPLOYEES OF DOMESTIC CORPORATION.**—For purposes of applying this part with respect to a pension, profit-sharing, or stock bonus plan described in section 401(a), an annuity plan described in section 403(a), or a bond purchase plan described in section 405(a), of a domestic corporation, an individual who is a citizen of the United States and who is an employee of a foreign subsidiary (as defined in section 3121(l)(8)) of such domestic corporation shall be treated as an employee of such domestic corporation, if—

“(1) such domestic corporation has entered into an agreement under section 3121(l) which applies to the foreign subsidiary of which such individual is an employee;

“(2) the plan of such domestic corporation expressly provides for contributions or benefits for individuals who are citizens of the United States and who are employees of its foreign subsidiaries to which an agreement entered into by such domestic corporation under section 3121(l) applies; and

“(3) contributions under a funded plan of deferred compensation (whether or not a plan described in section 401(a), 403(a), or 405(a)) are not provided by any other person with respect to the remuneration paid to such individual by the foreign subsidiary.

“(b) SPECIAL RULES FOR APPLICATION OF SECTION 401(a).—

“(1) NONDISCRIMINATION REQUIREMENTS.—For purposes of applying paragraphs (3)(B) and (4) of section 401(a) with respect to an individual who is treated as an employee of a domestic corporation under subsection (a)—

68A Stat. 134.
26 USC 401.

“(A) if such individual is an officer, shareholder, or person whose principal duties consist in supervising the work of other employees of a foreign subsidiary of such domestic corporation, he shall be treated as having such capacity with respect to such domestic corporation; and

“(B) the determination of whether such individual is a highly compensated employee shall be made by treating such individual's total compensation (determined with the application of paragraph (2) of this subsection) as compensation paid by such domestic corporation and by determining such individual's status with regard to such domestic corporation.

“(2) DETERMINATION OF COMPENSATION.—For purposes of applying paragraph (5) of section 401(a) with respect to an individual who is treated as an employee of a domestic corporation under subsection (a)—

“(A) the total compensation of such individual shall be the remuneration paid to such individual by the foreign subsidiary which would constitute his total compensation if his services had been performed for such domestic corporation, and the basic or regular rate of compensation of such individual shall be determined under regulations prescribed by the Secretary or his delegate; and

“(B) such individual shall be treated as having paid the amount paid by such domestic corporation which is equivalent to the tax imposed by section 3101.

75 Stat. 141.
26 USC 3101.

“(c) TERMINATION OF STATUS AS DEEMED EMPLOYEE NOT TO BE TREATED AS SEPARATION FROM SERVICE FOR PURPOSES OF CAPITAL GAIN PROVISIONS.—For purposes of applying section 402(a)(2) and section 403(a)(2) with respect to an individual who is treated as an employee of a domestic corporation under subsection (a), such individual shall not be considered as separated from the service of such domestic corporation solely by reason of the fact that—

26 USC 402.
26 USC 403.

“(1) the agreement entered into by such domestic corporation under section 3121(1) which covers the employment of such individual is terminated under the provisions of such section,

“(2) such individual becomes an employee of a foreign subsidiary with respect to which such agreement does not apply,

“(3) such individual ceases to be an employee of the foreign subsidiary by reason of which he is treated as an employee of such domestic corporation, if he becomes an employee of another corporation controlled by such domestic corporation, or

“(4) the provision of the plan described in subsection (a)(2) is terminated.

68 Stat. 1094.
26 USC 3121.

“(d) DEDUCTIBILITY OF CONTRIBUTIONS.—For purposes of applying sections 404 and 405(c) with respect to contributions made to or under a pension, profit-sharing, stock bonus, annuity, or bond purchase plan by a domestic corporation, or by another corporation which is entitled to deduct its contributions under section 404(a)(3)(B), on behalf of an individual who is treated as an employee of such domestic corporation under subsection (a)—

76 Stat. 819,
826.
26 USC 404,
405.

“(1) except as provided in paragraph (2), no deduction shall be allowed to such domestic corporation or to any other corporation which is entitled to deduct its contributions under such sections,

68A Stat. 138;
76 Stat. 819, 826.
26 USC 404,
405.

“(2) there shall be allowed as a deduction to the foreign subsidiary of which such individual is an employee an amount equal to the amount which (but for paragraph (1)) would be deductible under section 404 (or section 405(c)) by the domestic corporation if he were an employee of the domestic corporation, and

“(3) any reference to compensation shall be considered to be a reference to the total compensation of such individual (determined with the application of subsection (b)(2)).

Any amount deductible by a foreign subsidiary under this subsection shall be deductible for its taxable year with or within which the taxable year of such domestic corporation ends.

“(e) **TREATMENT AS EMPLOYEE UNDER RELATED PROVISIONS.**—An individual who is treated as an employee of a domestic corporation under subsection (a) shall also be treated as an employee of such domestic corporation, with respect to the plan described in subsection (a)(2), for purposes of applying the following provisions of this title:

26 USC 72.

“(1) Section 72(d) (relating to employees' annuities).

“(2) Section 72(f) (relating to special rules for computing employees' contributions).

26 USC 101.

“(3) Section 101(b) (relating to employees' death benefits).

26 USC 2039.

“(4) Section 2039 (relating to annuities).

72 Stat. 1659.

26 USC 2517.

“(5) Section 2517 (relating to certain annuities under qualified plans).”

26 USC 401-405.

(b) **EMPLOYEES OF DOMESTIC SUBSIDIARIES ENGAGED IN BUSINESS OUTSIDE THE UNITED STATES.**—Part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by adding after section 406 (as added by subsection (a)) the following new section:

Ante, p. 58.

“**SEC. 407. CERTAIN EMPLOYEES OF DOMESTIC SUBSIDIARIES ENGAGED IN BUSINESS OUTSIDE THE UNITED STATES.**

“(a) **TREATMENT AS EMPLOYEES OF DOMESTIC PARENT CORPORATION.**—

“(1) **IN GENERAL.**—For purposes of applying this part with respect to a pension, profit-sharing, or stock bonus plan described in section 401(a), an annuity plan described in section 403(a), or a bond purchase plan described in section 405(a), of a domestic parent corporation, an individual who is a citizen of the United States and who is an employee of a domestic subsidiary (within the meaning of paragraph (2)) of such domestic parent corporation shall be treated as an employee of such domestic parent corporation, if—

“(A) the plan of such domestic parent corporation expressly provides for contributions or benefits for individuals who are citizens of the United States and who are employees of its domestic subsidiaries; and

“(B) contributions under a funded plan of deferred compensation (whether or not a plan described in section 401(a), 403(a), or 405(a)) are not provided by any other person with respect to the remuneration paid to such individual by the domestic subsidiary.

“(2) **DEFINITIONS.**—For purposes of this section—

“(A) **DOMESTIC SUBSIDIARY.**—A corporation shall be treated as a domestic subsidiary for any taxable year only if—

“(i) such corporation is a domestic corporation 80 percent or more of the outstanding voting stock of which is owned by another domestic corporation;

“(ii) 95 percent or more of its gross income for the three-year period immediately preceding the close of its taxable year which ends on or before the close of the taxable year of such other domestic corporation (or for such part of such period during which the corporation was in existence) was derived from sources without the United States; and

“(iii) 90 percent or more of its gross income for such period (or such part) was derived from the active conduct of a trade or business.

If for the period (or part thereof) referred to in clauses (ii) and (iii) such corporation has no gross income, the provisions of clauses (ii) and (iii) shall be treated as satisfied if it is reasonable to anticipate that, with respect to the first taxable year thereafter for which such corporation has gross income, the provisions of such clauses will be satisfied.

“(B) DOMESTIC PARENT CORPORATION.—The domestic parent corporation of any domestic subsidiary is the domestic corporation which owns 80 percent or more of the outstanding voting stock of such domestic subsidiary.

“(b) SPECIAL RULES FOR APPLICATION OF SECTION 401(a).—

“(1) NONDISCRIMINATION REQUIREMENTS.—For purposes of applying paragraphs (3)(B) and (4) of section 401(a) with respect to an individual who is treated as an employee of a domestic parent corporation under subsection (a)—

68A Stat. 134.
26 USC 401.

“(A) if such individual is an officer, shareholder, or person whose principal duties consist in supervising the work of other employees of a domestic subsidiary, he shall be treated as having such capacity with respect to such domestic parent corporation; and

“(B) the determination of whether such individual is a highly compensated employee shall be made by treating such individual's total compensation (determined with the application of paragraph (2) of this subsection) as compensation paid by such domestic parent corporation and by determining such individual's status with regard to such domestic parent corporation.

“(2) DETERMINATION OF COMPENSATION.—For purposes of applying paragraph (5) of section 401(a) with respect to an individual who is treated as an employee of a domestic parent corporation under subsection (a), the total compensation of such individual shall be the remuneration paid to such individual by the domestic subsidiary which would constitute his total compensation if his services had been performed for such domestic parent corporation, and the basic or regular rate of compensation of such individual shall be determined under regulations prescribed by the Secretary or his delegate.

“(c) TERMINATION OF STATUS AS DEEMED EMPLOYEE NOT TO BE TREATED AS SEPARATION FROM SERVICE FOR PURPOSES OF CAPITAL GAIN PROVISIONS.—For purposes of applying section 402(a)(2) and section 403(a)(2) with respect to an individual who is treated as an employee of a domestic parent corporation under subsection (a), such individual shall not be considered as separated from the service of such domestic parent corporation solely by reason of the fact that—

26 USC 402, 403.

“(1) the corporation of which such individual is an employee ceases, for any taxable year, to be a domestic subsidiary within the meaning of subsection (a)(2)(A),

"(2) such individual ceases to be an employee of a domestic subsidiary of such domestic parent corporation, if he becomes an employee of another corporation controlled by such domestic parent corporation, or

"(3) the provision of the plan described in subsection (a) (1) (A) is terminated.

68A Stat. 138;
76 Stat. 819, 826.
26 USC 404, 405.

"(d) DEDUCTIBILITY OF CONTRIBUTIONS.—For purposes of applying sections 404 and 405(c) with respect to contributions made to or under a pension, profit-sharing, stock bonus, annuity, or bond purchase plan by a domestic parent corporation, or by another corporation which is entitled to deduct its contributions under section 404 (a) (3) (B), on behalf of an individual who is treated as an employee of such domestic corporation under subsection (a)—

"(1) except as provided in paragraph (2), no deduction shall be allowed to such domestic parent corporation or to any other corporation which is entitled to deduct its contributions under such sections,

"(2) there shall be allowed as a deduction to the domestic subsidiary of which such individual is an employee an amount equal to the amount which (but for paragraph (1)) would be deductible under section 404 (or section 405(c)) by the domestic parent corporation if he were an employee of the domestic parent corporation, and

"(3) any reference to compensation shall be considered to be a reference to the total compensation of such individual (determined with the application of subsection (b) (2)).

Any amount deductible by a domestic subsidiary under this subsection shall be deductible for its taxable year with or within which the taxable year of such domestic parent corporation ends.

"(e) TREATMENT AS EMPLOYEE UNDER RELATED PROVISIONS.—An individual who is treated as an employee of a domestic parent corporation under subsection (a) shall also be treated as an employee of such domestic parent corporation, with respect to the plan described in subsection (a) (1) (A), for purposes of applying the following provisions of this title:

26 USC 72.

"(1) Section 72(d) (relating to employees' annuities).

"(2) Section 72(f) (relating to special rules for computing employees' contributions).

26 USC 101.

"(3) Section 101(b) (relating to employees' death benefits).

26 USC 2039.

"(4) Section 2039 (relating to annuities).

72 Stat. 1659.

26 USC 2517.

"(5) Section 2517 (relating to certain annuities under qualified plans)."

(c) TECHNICAL AMENDMENTS.—

(1) The table of sections for part I of subchapter D of chapter 1 is amended by adding at the end thereof the following:

"Sec. 406. Certain employees of foreign subsidiaries.

"Sec. 407. Certain employees of domestic subsidiaries engaged in business outside the United States."

26 USC 3121.

(2) Section 3121(a) (5) (relating to definition of wages) is amended by striking out "or" at the end of subparagraph (A) and by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraphs:

26 USC 403.

"(B) under or to an annuity plan which, at the time of such payment, is a plan described in section 403(a), or

"(C) under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in section 405(a);".

(3) Section 209(e) of the Social Security Act (relating to the definition of wages) is amended to read as follows:

64 Stat. 492.
42 USC 409.

“(e) Any payment made to, or on behalf of, an employee or his beneficiary (1) from or to a trust exempt from tax under section 165(a) of the Internal Revenue Code of 1939 at the time of such payment or, in the case of a payment after 1954, under sections 401 and 501(a) of the Internal Revenue Code of 1954, unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or (2) under or to an annuity plan which, at the time of such payment, meets the requirements of section 165(a) (3), (4), (5), and (6) of the Internal Revenue Code of 1939 or, in the case of a payment after 1954 and prior to 1963, the requirements of section 401(a) (3), (4), (5), and (6) of the Internal Revenue Code of 1954, or (3) under or to an annuity plan which, at the time of any such payment after 1962, is a plan described in section 403(a) of the Internal Revenue Code of 1954, or (4) under or to a bond purchase plan which, at the time of any such payment after 1962, is a qualified bond purchase plan described in section 405(a) of the Internal Revenue Code of 1954;”.

53 Stat. 67.

68A Stat. 134,
163.
26 USC 401, 501.

26 USC 403.

76 Stat. 826.
26 USC 405.

(d) **EFFECTIVE DATE.**—The amendments made by subsections (a), (b), and (c) (1) shall apply to taxable years ending after December 31, 1963. The amendments made by subsections (c) (2) and (3) shall apply to remuneration paid after December 31, 1962.

SEC. 221. EMPLOYEE STOCK OPTIONS AND PURCHASE PLANS.

(a) **IN GENERAL.**—Part II of subchapter D of chapter 1 is amended to read as follows:

“PART II—CERTAIN STOCK OPTIONS

- “Sec. 421. General rules.
- “Sec. 422. Qualified stock options.
- “Sec. 423. Employee stock purchase plans.
- “Sec. 424. Restricted stock options.
- “Sec. 425. Definitions and special rules.

“SEC. 421. GENERAL RULES.

“(a) **EFFECT OF QUALIFYING TRANSFER.**—If a share of stock is transferred to an individual in a transfer in respect of which the requirements of section 422(a), 423(a), or 424(a) are met—

Post, pp. 64, 67,
69.

“(1) except as provided in section 422(c) (1), no income shall result at the time of the transfer of such share to the individual upon his exercise of the option with respect to such share;

“(2) no deduction under section 162 (relating to trade or business expenses) shall be allowable at any time to the employer corporation, a parent or subsidiary corporation of such corporation, or a corporation issuing or assuming a stock option in a transaction to which section 425(a) applies, with respect to the share so transferred; and

26 USC 162.

“(3) no amount other than the price paid under the option shall be considered as received by any of such corporations for the share so transferred.

Post, p. 71.

“(b) **EFFECT OF DISQUALIFYING DISPOSITION.**—If the transfer of a share of stock to an individual pursuant to his exercise of an option would otherwise meet the requirements of section 422(a), 423(a), or 424(a) except that there is a failure to meet any of the holding period requirements of section 422(a) (1), 423(a) (1), or 424(a) (1), then any increase in the income of such individual or deduction from the income of his employer corporation for the taxable year in which such exercise occurred attributable to such disposition, shall be treated as an increase in income or a deduction from income in the taxable year of such individual or of such employer corporation in which such disposition occurred.

“(c) EXERCISE BY ESTATE.—

“(1) IN GENERAL.—If an option to which this part applies is exercised after the death of the employee by the estate of the decedent, or by a person who acquired the right to exercise such option by bequest or inheritance or by reason of the death of the decedent, the provisions of subsection (a) shall apply to the same extent as if the option had been exercised by the decedent, except that—

“(A) the holding period and employment requirements of sections 422(a), 423(a), and 424(a) shall not apply, and

“(B) any transfer by the estate of stock acquired shall be considered a disposition of such stock for purposes of sections 423(c) and 424(c) (1).

Post, pp. 67, 69.

“(2) DEDUCTION FOR ESTATE TAX.—If an amount is required to be included under section 422(c) (1), 423(c), or 424(c) (1) in gross income of the estate of the deceased employee or of a person described in paragraph (1), there shall be allowed to the estate or such person a deduction with respect to the estate tax attributable to the inclusion in the taxable estate of the deceased employee of the net value for estate tax purposes of the option. For this purpose, the deduction shall be determined under section 691(c) as if the option acquired from the deceased employee were an item of gross income in respect of the decedent under section 691 and as if the amount includible in gross income under section 422(c) (1), 423(c), or 424(c) (1) were an amount included in gross income under section 691 in respect of such item of gross income.

68A Stat. 235.
26 USC 691.

“(3) BASIS OF SHARES ACQUIRED.—In the case of a share of stock acquired by the exercise of an option to which paragraph (1) applies—

“(A) the basis of such share shall include so much of the basis of the option as is attributable to such share; except that the basis of such share shall be reduced by the excess (if any) of (i) the amount which would have been includible in gross income under section 422(c) (1), 423(c), or 424(c) (1) if the employee had exercised the option on the date of his death and had held the share acquired pursuant to such exercise at the time of his death, over (ii) the amount which is includible in gross income under such section; and

“(B) the last sentence of sections 422(c) (1), 423(c), and 424(c) (1) shall apply only to the extent that the amount includible in gross income under such sections exceeds so much of the basis of the option as is attributable to such share.

“SEC. 422. QUALIFIED STOCK OPTIONS.

“(a) IN GENERAL.—Subject to the provisions of subsection (c) (1), section 421(a) shall apply with respect to the transfer of a share of stock to an individual pursuant to his exercise of a qualified stock option if—

Ante, p. 63.

“(1) no disposition of such share is made by such individual within the 3-year period beginning on the day after the day of the transfer of such share, and

“(2) at all times during the period beginning with the date of the granting of the option and ending on the day 3 months before the date of such exercise, such individual was an employee of either the corporation granting such option, a parent or subsidiary corporation of such corporation, or a corporation or a parent or subsidiary corporation of such corporation issuing or

assuming a stock option in a transaction to which section 425(a) applies.

Post, p. 71.

“(b) **QUALIFIED STOCK OPTION.**—For purposes of this part, the term ‘qualified stock option’ means an option granted to an individual after December 31, 1963 (other than a restricted stock option granted pursuant to a contract described in section 424(c)(3)(A)), for any reason connected with his employment by a corporation, if granted by the employer corporation or its parent or subsidiary corporation, to purchase stock of any of such corporations, but only if—

Post, p. 69.

“(1) the option is granted pursuant to a plan which includes the aggregate number of shares which may be issued under options, and the employees (or class of employees) eligible to receive options, and which is approved by the stockholders of the granting corporation within 12 months before or after the date such plan is adopted;

“(2) such option is granted within 10 years from the date such plan is adopted, or the date such plan is approved by the stockholders, whichever is earlier;

“(3) such option by its terms is not exercisable after the expiration of 5 years from the date such option is granted;

“(4) except as provided in subsection (c)(1), the option price is not less than the fair market value of the stock at the time such option is granted;

“(5) such option by its terms is not exercisable while there is outstanding (within the meaning of subsection (c)(2)) any qualified stock option (or restricted stock option) which was granted, before the granting of such option, to such individual to purchase stock in his employer corporation or in a corporation which (at the time of the granting of such option) is a parent or subsidiary corporation of the employer corporation, or in a predecessor corporation of any of such corporations;

“(6) such option by its terms is not transferable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him; and

“(7) such individual, immediately after such option is granted, does not own stock possessing more than 5 percent of the total combined voting power or value of all classes of stock of the employer corporation or of its parent or subsidiary corporation; except that if the equity capital of such corporation or corporations (determined at the time the option is granted) is less than \$2,000,000, then, for purposes of applying the limitation of this paragraph, there shall be added to such 5 percent the percentage (not higher than 5 percent) which bears the same ratio to 5 percent as the difference between such equity capital and \$2,000,000 bears to \$1,000,000.

“(c) **SPECIAL RULES.**—

“(1) **EXERCISE OF OPTION WHEN PRICE IS LESS THAN VALUE OF STOCK.**—If a share of stock is transferred pursuant to the exercise by an individual of an option which fails to qualify as a qualified stock option under subsection (b) because there was a failure in an attempt, made in good faith, to meet the requirement of subsection (b)(4), the requirement of subsection (b)(4) shall be considered to have been met, but there shall be included as compensation (and not as gain upon the sale or exchange of a capital asset) in his gross income for the taxable year in which such option is exercised, an amount equal to the lesser of—

“(A) 150 percent of the difference between the option price and the fair market value of the share at the time the option was granted, or

“(B) the difference between the option price and the fair market value of the share at the time of such exercise. The basis of the share acquired shall be increased by an amount equal to the amount included in his gross income under this paragraph in the taxable year in which the exercise occurred.

“(2) CERTAIN OPTIONS TREATED AS OUTSTANDING.—For purposes of subsection (b) (5)—

“(A) any restricted stock option which is not terminated before January 1, 1965, and

“(B) any qualified stock option granted after December 31, 1963,

shall be treated as outstanding until such option is exercised in full or expires by reason of the lapse of time. For purposes of the preceding sentence, a restricted stock option granted before January 1, 1964, shall not be treated as outstanding for any period before the first day on which (under the terms of such option) it may be exercised.

“(3) OPTIONS GRANTED TO CERTAIN SHAREHOLDERS.—For purposes of subsection (b) (7)—

“(A) the term ‘equity capital’ means—

“(i) in the case of one corporation, the sum of its money and other property (in an amount equal to the adjusted basis of such property for determining gain), less the amount of its indebtedness (other than indebtedness to shareholders), and

“(ii) in the case of a group of corporations consisting of a parent and its subsidiary corporations, the sum of the equity capital of each of such corporations adjusted, under regulations prescribed by the Secretary or his delegate, to eliminate the effect of intercorporate ownership and transactions among such corporations;

“(B) the rules of section 425(d) shall apply in determining the stock ownership of the individual; and

“(C) stock which the individual may purchase under outstanding options shall be treated as stock owned by such individual.

If an individual is granted an option which permits him to purchase stock in excess of the limitation of subsection (b) (7) (determined by applying the rules of this paragraph), such option shall be treated as meeting the requirement of subsection (b) (7) to the extent that such individual could, if the option were fully exercised at the time of grant, purchase stock under such option without exceeding such limitation. The portion of such option which is treated as meeting the requirement of subsection (b) (7) shall be deemed to be that portion of the option which is first exercised.

“(4) CERTAIN DISQUALIFYING DISPOSITIONS WHERE AMOUNT REALIZED IS LESS THAN VALUE AT EXERCISE.—If—

“(A) an individual who has acquired a share of stock by the exercise of a qualified stock option makes a disposition of such share within the 3-year period described in subsection (a) (1), and

“(B) such disposition is a sale or exchange with respect to which a loss (if sustained) would be recognized to such individual,

then the amount which is includible in the gross income of such individual, and the amount which is deductible from the income of his employer corporation, as compensation attributable to the exercise of such option shall not exceed the excess (if any) of the

amount realized on such sale or exchange over the adjusted basis of such share.

"(5) CERTAIN TRANSFERS BY INSOLVENT INDIVIDUALS.—If an insolvent individual holds a share of stock acquired pursuant to his exercise of a qualified stock option, and if such share is transferred to a trustee, receiver, or other similar fiduciary, in any proceeding under the Bankruptcy Act or any other similar insolvency proceeding, neither such transfer, nor any other transfer of such share for the benefit of his creditors in such proceeding, shall constitute a 'disposition of such share' for purposes of subsection (a) (1).

30 Stat. 544;
52 Stat. 840.
11 USC 1 note.

"(6) APPLICATION OF SUBSECTION (b) (5) WHERE OPTIONS ARE FOR STOCK OF SAME CLASS IN SAME CORPORATION.—The requirement of subsection (b) (5) shall be considered to have been met in the case of any option (referred to in this paragraph as 'new option') granted to an individual if—

"(A) the new option and all outstanding options referred to in subsection (b) (5) are to purchase stock of the same class in the same corporation, and

"(B) the new option by its terms is not exercisable while there is outstanding (within the meaning of paragraph (2)) any qualified stock option (or restricted stock option) which was granted, before the granting of the new option, to such individual to purchase stock in such corporation at a price (determined as of the date of grant of the new option) higher than the option price of the new option.

"SEC. 423. EMPLOYEE STOCK PURCHASE PLANS.

"(a) GENERAL RULE.—Section 421(a) shall apply with respect to the transfer of a share of stock to an individual pursuant to his exercise of an option granted after December 31, 1963 (other than a restricted stock option granted pursuant to a plan described in section 424(c) (3) (B)), under an employee stock purchase plan (as defined in subsection (b)) if—

Ante, p. 63.

"(1) no disposition of such share is made by him within 2 years after the date of the granting of the option nor within 6 months after the transfer of such share to him; and

"(2) at all times during the period beginning with the date of the granting of the option and ending on the day 3 months before the date of such exercise, he is an employee of the corporation granting such option, a parent or subsidiary corporation of such corporation, or a corporation or a parent or subsidiary corporation of such corporation issuing or assuming a stock option in a transaction to which section 425(a) applies.

Post, p. 69.

"(b) EMPLOYEE STOCK PURCHASE PLAN.—For purposes of this part, the term 'employee stock purchase plan' means a plan which meets the following requirements:

Post, p. 71.

"(1) the plan provides that options are to be granted only to employees of the employer corporation or of its parent or subsidiary corporation to purchase stock in any such corporation;

"(2) such plan is approved by the stockholders of the granting corporation within 12 months before or after the date such plan is adopted;

"(3) under the terms of the plan, no employee can be granted an option if such employee, immediately after the option is granted, owns stock possessing 5 percent or more of the total combined voting power or value of all classes of stock of the employer corporation or of its parent or subsidiary corporation. For purposes of this paragraph, the rules of section 425(d) shall apply in determining the stock ownership of an individual, and

stock which the employee may purchase under outstanding options shall be treated as stock owned by the employee;

“(4) under the terms of the plan, options are to be granted to all employees of any corporation whose employees are granted any of such options by reason of their employment by such corporation, except that there may be excluded—

“(A) employees who have been employed less than 2 years,

“(B) employees whose customary employment is 20 hours or less per week,

“(C) employees whose customary employment is for not more than 5 months in any calendar year, and

“(D) officers, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees;

“(5) under the terms of the plan, all employees granted such options shall have the same rights and privileges, except that the amount of stock which may be purchased by any employee under such option may bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of employees, and the plan may provide that no employee may purchase more than a maximum amount of stock fixed under the plan;

“(6) under the terms of the plan, the option price is not less than the lesser of—

“(A) an amount equal to 85 percent of the fair market value of the stock at the time such option is granted, or

“(B) an amount which under the terms of the option may not be less than 85 percent of the fair market value of the stock at the time such option is exercised;

“(7) under the terms of the plan, such option cannot be exercised after the expiration of—

“(A) 5 years from the date such option is granted if, under the terms of such plan, the option price is to be not less than 85 percent of the fair market value of such stock at the time of the exercise of the option, or

“(B) 27 months from the date such option is granted, if the option price is not determinable in the manner described in subparagraph (A);

“(8) under the terms of the plan, no employee may be granted an option which permits his rights to purchase stock under all such plans of his employer corporation and its parent and subsidiary corporations to accrue at a rate which exceeds \$25,000 of fair market value of such stock (determined at the time such option is granted) for each calendar year in which such option is outstanding at any time. For purposes of this paragraph—

“(A) the right to purchase stock under an option accrues when the option (or any portion thereof) first becomes exercisable during the calendar year;

“(B) the right to purchase stock under an option accrues at the rate provided in the option, but in no case may such rate exceed \$25,000 of fair market value of such stock (determined at the time such option is granted) for any one calendar year; and

“(C) a right to purchase stock which has accrued under one option granted pursuant to the plan may not be carried over to any other option; and

“(9) under the terms of the plan, such option is not transferable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him.

For purposes of paragraphs (3) to (9), inclusive, where additional terms are contained in an offering made under a plan, such additional terms shall, with respect to options exercised under such offering, be treated as a part of the terms of such plan.

“(c) SPECIAL RULE WHERE OPTION PRICE IS BETWEEN 85 PERCENT AND 100 PERCENT OF VALUE OF STOCK.—If the option price of a share of stock acquired by an individual pursuant to a transfer to which subsection (a) applies was less than 100 percent of the fair market value of such share at the time such option was granted, then, in the event of any disposition of such share by him which meets the holding period requirements of subsection (a), or in the event of his death (whenever occurring) while owning such share, there shall be included as compensation (and not as gain upon the sale or exchange of a capital asset) in his gross income, for the taxable year in which falls the date of such disposition or for the taxable year closing with his death, whichever applies, an amount equal to the lesser of—

“(1) the excess of the fair market value of the share at the time of such disposition or death over the amount paid for the share under the option, or

“(2) the excess of the fair market value of the share at the time the option was granted over the option price.

If the option price is not fixed or determinable at the time the option is granted, then for purposes of this subsection, the option price shall be determined as if the option were exercised at such time. In the case of the disposition of such share by the individual, the basis of the share in his hands at the time of such disposition shall be increased by an amount equal to the amount so includible in his gross income.

“SEC. 424. RESTRICTED STOCK OPTIONS.

“(a) IN GENERAL.—Section 421(a) shall apply with respect to the transfer of a share of stock to an individual pursuant to his exercise after 1949 of a restricted stock option, if—

Ante, p. 63.

“(1) no disposition of such share is made by him within 2 years from the date of the granting of the option nor within 6 months after the transfer of such share to him, and

“(2) at the time he exercises such option—

“(A) he is an employee of either the corporation granting such option, a parent or subsidiary corporation of such corporation, or a corporation or a parent or subsidiary corporation of such corporation issuing or assuming a stock option in a transaction to which section 425(a) applies, or

Post, p. 71.

“(B) he ceased to be an employee of such corporations within the 3-month period preceding the time of exercise.

“(b) RESTRICTED STOCK OPTION.—For purposes of this part, the term ‘restricted stock option’ means an option granted after February 26, 1945, and before January 1, 1964 (or, if it meets the requirements of subsection (c) (3), an option granted after December 31, 1963), to an individual, for any reason connected with his employment by a corporation, if granted by the employer corporation or its parent or subsidiary corporation, to purchase stock of any of such corporations, but only if—

“(1) at the time such option is granted—

“(A) the option price is at least 85 percent of the fair market value at such time of the stock subject to the option, or

“(B) in the case of a variable price option, the option price (computed as if the option had been exercised when granted) is at least 85 percent of the fair market value of the stock at the time such option is granted;

“(2) such option by its terms is not transferable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him;

"(3) such individual, at the time the option is granted, does not own stock possessing more than 10 percent of the total combined voting power of all classes of stock of the employer corporation or of its parent or subsidiary corporation. This paragraph shall not apply if at the time such option is granted the option price is at least 110 percent of the fair market value of the stock subject to the option, and such option either by its terms is not exercisable after the expiration of 5 years from the date such option is granted or is exercised within one year after August 16, 1954. For purposes of this paragraph, the provisions of section 425(d) shall apply in determining the stock ownership of an individual; and

Post, p. 71.

"(4) such option by its terms is not exercisable after the expiration of 10 years from the date such option is granted, if such option has been granted on or after June 22, 1954.

"(c) SPECIAL RULES.—

"(1) OPTIONS UNDER WHICH OPTION PRICE IS BETWEEN 85 PERCENT AND 95 PERCENT OF VALUE OF STOCK.—If no disposition of a share of stock acquired by an individual on his exercise after 1949 of a restricted stock option is made by him within 2 years from the date of the granting of the option nor within 6 months after the transfer of such share to him, but, at the time the restricted stock option was granted, the option price (computed under subsection (b)(1)) was less than 95 percent of the fair market value at such time of such share, then, in the event of any disposition of such share by him, or in the event of his death (whenever occurring) while owning such share, there shall be included as compensation (and not as gain upon the sale or exchange of a capital asset) in his gross income, for the taxable year in which falls the date of such disposition or for the taxable year closing with his death, whichever applies—

"(A) in the case of a share of stock acquired under an option qualifying under subsection (b)(1)(A), an amount equal to the amount (if any) by which the option price is exceeded by the lesser of—

"(i) the fair market value of the share at the time of such disposition or death, or

"(ii) the fair market value of the share at the time the option was granted; or

"(B) in the case of stock acquired under an option qualifying under subsection (b)(1)(B), an amount equal to the lesser of—

"(i) the excess of the fair market value of the share at the time of such disposition or death over the price paid under the option, or

"(ii) the excess of the fair market value of the share at the time the option was granted over the option price (computed as if the option had been exercised at such time).

In the case of a disposition of such share by the individual, the basis of the share in his hands at the time of such disposition shall be increased by an amount equal to the amount so includible in his gross income.

"(2) VARIABLE PRICE OPTION.—For purposes of subsection (b)(1), the term 'variable price option' means an option under which the purchase price of the stock is fixed or determinable under a formula in which the only variable is the fair market value of the stock at any time during a period of 6 months which includes the time the option is exercised; except that in the case of options granted after September 30, 1958, such term does not

include any such option in which such formula provides for determining such price by reference to the fair market value of the stock at any time before the option is exercised if such value may be greater than the average fair market value of the stock during the calendar month in which the option is exercised.

“(3) CERTAIN OPTIONS GRANTED AFTER DECEMBER 31, 1963.—For purposes of subsection (b), an option granted after December 31, 1963, meets the requirements of this paragraph if granted pursuant to—

“(A) a binding written contract entered into before January 1, 1964, or

“(B) a written plan adopted and approved before January 1, 1964, which (as of January 1, 1964, and as of the date of the granting of the option)—

“(i) met the requirements of paragraphs (4) and (5) of section 423(b), or

“(ii) was being administered in a way which did not discriminate in favor of officers, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees.

Ante, p. 67.

“SEC. 425. DEFINITIONS AND SPECIAL RULES.

“(a) CORPORATE REORGANIZATIONS, LIQUIDATIONS, ETC.—For purposes of this part, the term ‘issuing or assuming a stock option in a transaction to which section 425(a) applies’ means a substitution of a new option for the old option, or an assumption of the old option, by an employer corporation, or a parent or subsidiary of such corporation, by reason of a corporate merger, consolidation, acquisition of property or stock, separation, reorganization, or liquidation, if—

“(1) the excess of the aggregate fair market value of the shares subject to the option immediately after the substitution or assumption over the aggregate option price of such shares is not more than the excess of the aggregate fair market value of all shares subject to the option immediately before such substitution or assumption over the aggregate option price of such shares, and

“(2) the new option or the assumption of the old option does not give the employee additional benefits which he did not have under the old option.

For purposes of this subsection, the parent-subsidiary relationship shall be determined at the time of any such transaction under this subsection.

“(b) ACQUISITION OF NEW STOCK.—For purposes of this part, if stock is received by an individual in a distribution to which section 305, 354, 355, 356, or 1036 (or so much of section 1031 as relates to section 1036) applies, and such distribution was made with respect to stock transferred to him upon his exercise of the option, such stock shall be considered as having been transferred to him on his exercise of such option. A similar rule shall be applied in the case of a series of such distributions.

68A Stat. 90,
26 USC 305,
354, 355, 356,
1036, 1031.

“(c) DISPOSITION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of this part, the term ‘disposition’ includes a sale, exchange, gift, or a transfer of legal title, but does not include—

“(A) a transfer from a decedent to an estate or a transfer by bequest or inheritance;

“(B) an exchange to which section 354, 355, 356, or 1036 (or so much of section 1031 as relates to section 1036) applies; or

“(C) a mere pledge or hypothecation.

"(2) JOINT TENANCY.—The acquisition of a share of stock in the name of the employee and another jointly with the right of survivorship or a subsequent transfer of a share of stock into such joint ownership shall not be deemed a disposition, but a termination of such joint tenancy (except to the extent such employee acquires ownership of such stock) shall be treated as a disposition by him occurring at the time such joint tenancy is terminated.

"(d) ATTRIBUTION OF STOCK OWNERSHIP.—For purposes of this part, in applying the percentage limitations of sections 422(b)(7), 423(b)(3), and 424(b)(3)—

Ante, pp. 64,
67, 69.

"(1) the individual with respect to whom such limitation is being determined shall be considered as owning the stock owned, directly or indirectly, by or for his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants; and

"(2) stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust, shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries.

"(e) PARENT CORPORATION.—For purposes of this part, the term 'parent corporation' means any corporation (other than the employer corporation) in an unbroken chain of corporations ending with the employer corporation if, at the time of the granting of the option, each of the corporations other than the employer corporation owns stock possessing 50 percent or more of the total combined voting power of all classes of stock in one of the other corporations in such chain.

"(f) SUBSIDIARY CORPORATION.—For purposes of this part, the term 'subsidiary corporation' means any corporation (other than the employer corporation) in an unbroken chain of corporations beginning with the employer corporation if, at the time of the granting of the option, each of the corporations other than the last corporation in the unbroken chain owns stock possessing 50 percent or more of the total combined voting power of all classes of stock in one of the other corporations in such chain.

"(g) SPECIAL RULE FOR APPLYING SUBSECTIONS (e) AND (f).—In applying subsections (e) and (f) for purposes of section 422(a)(2), 423(a)(2), and 424(a)(2), there shall be substituted for the term 'employer corporation' wherever it appears in subsections (e) and (f) the term 'grantor corporation', or the term 'corporation issuing or assuming a stock option in a transaction to which section 425(a) applies', as the case may be.

Ante, p. 71.

"(h) MODIFICATION, EXTENSION, OR RENEWAL OF OPTION.—

"(1) IN GENERAL.—For purposes of this part, if the terms of any option to purchase stock are modified, extended, or renewed, such modification, extension, or renewal shall be considered as the granting of a new option.

"(2) SPECIAL RULES FOR SECTIONS 423 AND 424 OPTIONS.—

"(A) In the case of the transfer of stock pursuant to the exercise of an option to which section 423 or 424 applies and which has been so modified, extended, or renewed, then, except as provided in subparagraph (B), the fair market value of such stock at the time of the granting of such option shall be considered as whichever of the following is the highest:

"(i) the fair market value of such stock on the date of the original granting of the option,

"(ii) the fair market value of such stock on the date of the making of such modification, extension, or renewal,
or

“(iii) the fair market value of such stock at the time of the making of any intervening modification, extension, or renewal.

“(B) Subparagraph (A) shall not apply with respect to a modification, extension, or renewal of a restricted stock option before January 1, 1964 (or after December 31, 1963, if made pursuant to a binding written contract entered into before January 1, 1964), if the aggregate of the monthly average fair market values of the stock subject to the option for the 12 consecutive calendar months before the date of the modification, extension, or renewal, divided by 12, is an amount less than 80 percent of the fair market value of such stock on the date of the original granting of the option or the date of the making of any intervening modification, extension, or renewal, whichever is the highest.

“(3) DEFINITION OF MODIFICATION.—The term ‘modification’ means any change in the terms of the option which gives the employee additional benefits under the option, but such term shall not include a change in the terms of the option—

“(A) attributable to the issuance or assumption of an option under subsection (a);

“(B) to permit the option to qualify under sections 422(b)(6), 423(b)(9), and 424(b)(2); or

“(C) in the case of an option not immediately exercisable in full, to accelerate the time at which the option may be exercised.

Ante, pp. 64, 67, 69.

If a restricted stock option is exercisable after the expiration of 10 years from the date such option is granted, subparagraph (B) shall not apply unless the terms of the option are also changed to make it not exercisable after the expiration of such period.

“(i) STOCKHOLDER APPROVAL.—For purposes of this part, if the grant of an option is subject to approval by stockholders, the date of grant of the option shall be determined as if the option had not been subject to such approval.

“(j) CROSS REFERENCES.—

“For provisions requiring the reporting of certain acts with respect to a qualified stock option, options granted under employer stock purchase plans, or a restricted stock option, see section 6039.”

(b) ADMINISTRATIVE PROVISIONS.—

(1) REPORTING REQUIREMENT FOR CERTAIN OPTIONS.—Subpart A of part III of subchapter A of chapter 61 (relating to information returns) is amended by renumbering section 6039 as 6040, and by inserting after section 6038 the following new section:

26 USC 6031-6039.

“SEC. 6039. INFORMATION REQUIRED IN CONNECTION WITH CERTAIN OPTIONS.

“(a) REQUIREMENT OF REPORTING.—Every corporation—

“(1) which in any calendar year transfers a share of stock to any person pursuant to such person’s exercise of a qualified stock option or a restricted stock option, or

“(2) which in any calendar year records (or has by its agent recorded) a transfer of the legal title of a share of stock—

“(A) acquired by the transferor pursuant to his exercise of an option described in section 423(c) (relating to special rule where option price is between 85 percent and 100 percent of value of stock), or

Ante, p. 69.

“(B) acquired by the transferor pursuant to his exercise of a restricted stock option described in section 424(c)(1) (relating to options under which option price is between 85 percent and 95 percent of value of stock),

shall, for such calendar year, make a return at such time and in such manner, and setting forth such information, as the Secretary or his delegate may by regulations prescribe. For purposes of the preceding sentence, any option which a corporation treats as a qualified stock option, a restricted stock option, or an option granted under an employee stock purchase plan, shall be deemed to be such an option. A return is required by reason of a transfer described in paragraph (2) of a share only with respect to the first transfer of such share by the person who exercised the option.

“(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—Every corporation making a return under subsection (a) shall furnish to each person whose name is set forth in such return a written statement setting forth such information as the Secretary or his delegate may by regulations prescribe. The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made.

“(c) IDENTIFICATION OF STOCK.—Any corporation which transfers any share of stock pursuant to the exercise of an option described in subsection (a)(2) shall identify such stock in a manner adequate to carry out the purposes of this section.

“(d) CROSS REFERENCES.—

“For definition of—

“(1) The term ‘qualified stock option’, see section 422(b).

“(2) The term ‘employee stock purchase plan’, see section 423(b).

“(3) The term ‘restricted stock option’, see section 424(b).”

(2) PENALTIES FOR FAILURE TO FILE INFORMATION RETURNS.—

76 Stat. 1057.
26 USC 6652.

Section 6652(a) (relating to failure to file certain information returns) is amended to read as follows:

“(a) RETURNS RELATING TO PAYMENTS OF DIVIDENDS, ETC., AND CERTAIN TRANSFERS OF STOCK.—In the case of each failure—

26 USC 6042.

“(1) to file a statement of the aggregate amount of payments to another person required by section 6042(a)(1) (relating to payments of dividends aggregating \$10 or more), section 6044(a)(1) (relating to payments of patronage dividends aggregating \$10 or more), or section 6049(a)(1) (relating to payments of interest aggregating \$10 or more),

26 USC 6044.

26 USC 6049.

“(2) to make a return required by section 6039(a) (relating to reporting information in connection with certain options) with respect to a transfer of stock or a transfer of legal title to stock, or

Ante, p. 73.

“(3) to make a return required by section 6052(a) (relating to reporting payment of wages in the form of group-term life insurance) with respect to group-term life insurance on the life of an employee,

Ante, p. 37.

on the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid (upon notice and demand by the Secretary or his delegate and in the same manner as tax), by the person failing to file a statement referred to in paragraph (1) or failing to make a return referred to in paragraph (2) or (3), \$10 for each such failure, but the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed \$25,000.”

(3) **PENALTIES FOR FAILURE TO FURNISH STATEMENTS TO PERSONS WITH RESPECT TO WHOM RETURNS ARE FILED.**—Section 6678 (relating to failure to furnish certain statements) is amended—

76 Stat. 1058;
Ante, p. 37.
26 USC 6678.
26 USC 6042.
Ante, p. 73.

(A) by striking out “section 6042(c),” and inserting in lieu thereof “section 6039(b), 6042(c),”; and

(B) by striking out “section 6042(a)(1),” and inserting in lieu thereof “section 6039(a), 6042(a)(1),”.

(c) **TECHNICAL AMENDMENTS.**—

(1) Section 402(a)(3)(B) (relating to taxability of beneficiary of employees’ trust) is amended by striking out “section 421(d)(2) and (3)” and inserting in lieu thereof “subsections (e) and (f) of section 425”.

68A Stat. 135.
26 USC 402.

Ante, p. 71.

(2) The last sentence of subparagraph (B) of section 691(c)(2) (relating to allowance of deduction for estate tax in case of items constituting income in respect of a decedent) is amended to read as follows: “Such net value shall be determined with respect to the provisions of section 421(c)(2), relating to the deduction for estate tax with respect to stock options to which part II of subchapter D applies.”

26 USC 691.

Ante, p. 63.

(d) **CLERICAL AMENDMENTS.**—

(1) The table of parts for subchapter D of chapter 1 is amended by striking out

“Part II. Miscellaneous provisions.”

and inserting in lieu thereof the following:

“Part II. Certain stock options.”

(2) The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by striking out

“Sec. 6039. Cross references.”

and inserting in lieu thereof:

“Sec. 6039. Information required in connection with certain options.
“Sec. 6040. Cross references.”

(e) **EFFECTIVE DATES AND TRANSITION RULES.**—

(1) Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to taxable years ending after December 31, 1963.

(2) The amendments made by paragraphs (1) and (3) of subsection (b), and paragraph (2) of section 6652(a) of the Internal Revenue Code of 1954 (as amended by paragraph (2) of subsection (b)), shall apply to stock transferred pursuant to options exercised on or after January 1, 1964.

Ante, p. 74.
26 USC 6652.

(3) In the case of an option granted after December 31, 1963, and before January 1, 1965—

(A) paragraphs (1) and (2) of section 422(b) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall not apply, and

Ante, p. 64.

(B) paragraph (1) of section 425(h) of such Code (as added by subsection (a)) shall not apply to any change in the terms of such option made before January 1, 1965, to permit such option to qualify under paragraphs (3), (4), and (5) of such section 422(b).

SEC. 222. SALES AT RETAIL UNDER REVOLVING CREDIT PLANS.

(a) **TREATMENT UNDER INSTALLMENT METHOD.**—Section 453 (relating to installment method of accounting) is amended by adding at the end thereof the following new subsection:

26 USC 453.

“(e) **REVOLVING CREDIT TYPE PLANS.**—For purposes of subsection (a), the term ‘installment plan’ includes a revolving credit type plan which provides that the purchaser of personal property at retail may

pay for such property in a series of periodic payments of an agreed portion of the amounts due the seller under the plan, except that such term does not include any such plan with respect to a purchaser who uses his account primarily as an ordinary charge account."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply in respect of sales made during taxable years beginning after December 31, 1963.

SEC. 223. TIMING OF DEDUCTIONS IN CERTAIN CASES WHERE ASSERTED LIABILITIES ARE CONTESTED.

(a) **TAXABLE YEAR OF DEDUCTION.**—

(1) Section 461 (relating to general rule for taxable year of deduction) is amended by adding at the end thereof the following new subsection:

"(f) **CONTESTED LIABILITIES.**—If—

"(1) the taxpayer contests an asserted liability,

"(2) the taxpayer transfers money or other property to provide for the satisfaction of the asserted liability,

"(3) the contest with respect to the asserted liability exists after the time of the transfer, and

"(4) but for the fact that the asserted liability is contested, a deduction would be allowed for the taxable year of the transfer (or for an earlier taxable year),

then the deduction shall be allowed for the taxable year of the transfer. This subsection shall not apply in respect of the deduction for income, war profits, and excess profits taxes imposed by the authority of any foreign country or possession of the United States."

(2) Section 43 of the Internal Revenue Code of 1939 (relating to period for which deductions and credits taken) is amended by adding at the end thereof the following new sentences: "If—

"(1) the taxpayer contests an asserted liability,

"(2) the taxpayer transfers money or other property to provide for the satisfaction of the asserted liability,

"(3) the contest with respect to the asserted liability exists after the time of the transfer, and

"(4) but for the fact that the asserted liability is contested, a deduction would be allowed for the taxable year of the transfer (or for an earlier taxable year),

then the deduction shall be allowed for the taxable year of the transfer. The preceding sentence shall not apply in respect of the deduction for income, war profits, and excess profits taxes imposed by the authority of any foreign country or possession of the United States."

(b) **EFFECTIVE DATES.**—Except as provided in subsections (c) and (d)—

(1) the amendment made by subsection (a)(1) shall apply to taxable years beginning after December 31, 1953, and ending after August 16, 1954, and

(2) the amendment made by subsection (a)(2) shall apply to taxable years to which the Internal Revenue Code of 1939 applies.

(c) **ELECTION AS TO TRANSFERS IN TAXABLE YEARS BEGINNING BEFORE JANUARY 1, 1964.**—

(1) The amendments made by subsection (a) shall not apply to any transfer of money or other property described in subsection (a) made in a taxable year beginning before January 1, 1964, if the taxpayer elects, in the manner provided by regulations prescribed by the Secretary of the Treasury or his delegate, to have this paragraph apply. Such an election—

(A) must be made within one year after the date of the enactment of this Act,

68A Stat. 157;
74 Stat. 1020;
76 Stat. 1199.
26 USC 461.

53 Stat. 24.

(B) may not be revoked after the expiration of such one-year period, and

(C) shall apply to all transfers described in the first sentence of this paragraph (other than transfers described in paragraph (2)).

In the case of any transfer to which this paragraph applies, the deduction shall be allowed only for the taxable year in which the contest with respect to such transfer is settled.

(2) Paragraph (1) shall not apply to any transfer if the assessment of any deficiency which would result from the application of the election in respect of such transfer is, on the date of the election under paragraph (1), prevented by the operation of any law or rule of law.

(3) If the taxpayer makes an election under paragraph (1), and if, on the date of such election, the assessment of any deficiency which results from the application of the election in respect of any transfer is not prevented by the operation of any law or rule of law, the period within which assessment of such deficiency may be made shall not expire earlier than 2 years after the date of the enactment of this Act.

(d) **CERTAIN OTHER TRANSFERS IN TAXABLE YEARS BEGINNING BEFORE JANUARY 1, 1964.**—The amendments made by subsection (a) shall not apply to any transfer of money or other property described in subsection (a) made in a taxable year beginning before January 1, 1964, if—

(1) no deduction has been allowed in respect of such transfer for any taxable year before the taxable year in which the contest with respect to such transfer is settled, and

(2) refund or credit of any overpayment which would result from the application of such amendments to such transfer is prevented by the operation of any law or rule of law.

In the case of any transfer to which this subsection applies, the deduction shall be allowed for the taxable year in which the contest with respect to such transfer is settled.

SEC. 224. INTEREST ON CERTAIN DEFERRED PAYMENTS.

(a) **IN GENERAL.**—Part III of subchapter E of chapter 1 (relating to accounting periods and methods of accounting) is amended by adding at the end thereof the following new section:

68A Stat. 160.
26 USC 481, 482.

“SEC. 483. INTEREST ON CERTAIN DEFERRED PAYMENTS.

“(a) **AMOUNT CONSTITUTING INTEREST.**—For purposes of this title, in the case of any contract for the sale or exchange of property there shall be treated as interest that part of a payment to which this section applies which bears the same ratio to the amount of such payment as the total unstated interest under such contract bears to the total of the payments to which this section applies which are due under such contract.

“(b) **TOTAL UNSTATED INTEREST.**—For purposes of this section, the term ‘total unstated interest’ means, with respect to a contract for the sale or exchange of property, an amount equal to the excess of—

“(1) the sum of the payments to which this section applies which are due under the contract, over

“(2) the sum of the present values of such payments and the present values of any interest payments due under the contract.

For purposes of paragraph (2), the present value of a payment shall be determined, as of the date of the sale or exchange, by discounting such payment at the rate, and in the manner, provided in regulations prescribed by the Secretary or his delegate. Such regulations shall provide for discounting on the basis of 6-month brackets and shall provide that the present value of any interest payment due not more

than 6 months after the date of the sale or exchange is an amount equal to 100 percent of such payment.

“(c) PAYMENTS TO WHICH SECTION APPLIES.—

“(1) IN GENERAL.—Except as provided in subsection (f), this section shall apply to any payment on account of the sale or exchange of property which constitutes part or all of the sales price and which is due more than 6 months after the date of such sale or exchange under a contract—

“(A) under which some or all of the payments are due more than one year after the date of such sale or exchange, and

“(B) under which, using a rate provided by regulations prescribed by the Secretary or his delegate for purposes of this subparagraph, there is total unstated interest.

Any rate prescribed for determining whether there is total unstated interest for purposes of subparagraph (B) shall be at least one percentage point lower than the rate prescribed for purposes of subsection (b) (2).

“(2) TREATMENT OF EVIDENCE OF INDEBTEDNESS.—For purposes of this section, an evidence of indebtedness of the purchaser given in consideration for the sale or exchange of property shall not be considered a payment, and any payment due under such evidence of indebtedness shall be treated as due under the contract for the sale or exchange.

“(d) PAYMENTS THAT ARE INDEFINITE AS TO TIME, LIABILITY, OR AMOUNT.—In the case of a contract for the sale or exchange of property under which the liability for, or the amount or due date of, any portion of a payment cannot be determined at the time of the sale or exchange, this section shall be separately applied to such portion as if it (and any amount of interest attributable to such portion) were the only payments due under the contract; and such determinations of liability, amount, and due date shall be made at the time payment of such portion is made.

“(e) CHANGE IN TERMS OF CONTRACT.—If the liability for, or the amount or due date of, any payment (including interest) under a contract for the sale or exchange of property is changed, the ‘total unstated interest’ under the contract shall be recomputed and allocated (with adjustment for prior interest (including unstated interest) payments) under regulations prescribed by the Secretary or his delegate.

“(f) EXCEPTIONS AND LIMITATIONS.—

“(1) SALES PRICE OF \$3,000 OR LESS.—This section shall not apply to any payment on account of the sale or exchange of property if it can be determined at the time of such sale or exchange that the sales price cannot exceed \$3,000.

“(2) CARRYING CHARGES.—In the case of the purchaser, the tax treatment of amounts paid on account of the sale or exchange of property shall be made without regard to this section if any such amounts are treated under section 163(b) as if they included interest.

“(3) TREATMENT OF SELLER.—In the case of the seller, the tax treatment of any amounts received on account of the sale or exchange of property shall be made without regard to this section if no part of any gain on such sale or exchange would be considered as gain from the sale or exchange of a capital asset or property described in section 1231.

“(4) SALES OR EXCHANGES OF PATENTS.—This section shall not apply to any payments made pursuant to a transfer described in section 1235(a) (relating to sale or exchange of patents).

“(5) ANNUITIES.—This section shall not apply to any amount the liability for which depends in whole or in part on the life expectancy of one or more individuals and which constitutes an amount received as an annuity to which section 72 applies.”

68A Stat. 20;
76 Stat. 821, 1005.
26 USC 72.

(b) CLERICAL AMENDMENT.—The table of sections for such part is amended by adding at the end thereof the following new item:

“Sec. 483. Interest on certain deferred payments.”

(c) CERTAIN CARRYING CHARGES.—Section 163(b)(1) (relating to installment purchases where interest charge is not separately stated) is amended—

26 USC 163.

(1) by striking out “personal property is purchased” and inserting in lieu thereof “personal property or educational services are purchased”; and

(2) by adding at the end thereof the following new sentence: “For purposes of this paragraph, the term ‘educational services’ means any service (including lodging) which is purchased from an educational institution (as defined in section 151(e)(4)) and which is provided for a student of such institution.”

26 USC 151.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to payments made after December 31, 1963, on account of sales or exchanges of property occurring after June 30, 1963, other than any sale or exchange made pursuant to a binding written contract (including an irrevocable written option) entered into before July 1, 1963. The amendments made by subsection (c) shall apply to payments made during taxable years beginning after December 31, 1963.

SEC. 225. PERSONAL HOLDING COMPANIES.

(a) PERSONAL HOLDING COMPANY TAX RATE.—Section 541 (relating to imposition of personal holding company tax) is amended by striking out “tax equal to” and all that follows and inserting in lieu thereof: “tax equal to 70 percent of the undistributed personal holding company income.”

26 USC 541.

(b) DEFINITION OF PERSONAL HOLDING COMPANY.—Paragraph (1) of section 542(a) (relating to the gross income requirement for personal holding company purposes) is amended to read as follows:

26 USC 542.

“(1) ADJUSTED ORDINARY GROSS INCOME REQUIREMENT.—At least 60 percent of its adjusted ordinary gross income (as defined in section 543(b)(2)) for the taxable year is personal holding company income (as defined in section 543(a)), and”.

Post, p. 81.
26 USC 543.

(c) EXCLUDED CORPORATIONS.—

(1) DOMESTIC BUILDING AND LOAN ASSOCIATIONS.—Paragraph (2) of section 542(c) (relating to corporations excepted from the definition of personal holding company) is amended to read as follows:

“(2) a bank as defined in section 581, or a domestic building and loan association within the meaning of section 7701(a)(19) without regard to subparagraphs (D) and (E) thereof;”.

26 USC 581.
76 Stat. 982.
26 USC 7701.

(2) LENDING AND FINANCE COMPANIES.—Section 542(c) is amended by striking out paragraphs (6), (7), (8), and (9), by renumbering paragraphs (10) and (11) as paragraphs (7) and (8), and by inserting after paragraph (5) the following new paragraph:

“(6) a lending or finance company if—

“(A) 60 percent or more of its ordinary gross income (as defined in section 543(b)(1)) is derived directly from the active and regular conduct of a lending or finance business;

“(B) the personal holding company income for the tax-

able year (computed without regard to income described in subsection (d)(3) and income derived directly from the active and regular conduct of a lending or finance business, and computed by including as personal holding company income the entire amount of the gross income from rents, royalties, produced film rents, and compensation for use of corporate property by shareholders) is not more than 20 percent of the ordinary gross income;

“(C) the sum of the deductions which are directly allocable to the active and regular conduct of its lending or finance business equals or exceeds the sum of—

“(i) 15 percent of so much of the ordinary gross income derived therefrom as does not exceed \$500,000, plus

“(ii) 5 percent of so much of the ordinary gross income derived therefrom as exceeds \$500,000 but not \$1,000,000; and

“(D) the loans to a person who is a shareholder in such company during the taxable year by or for whom 10 percent or more in value of its outstanding stock is owned directly or indirectly (including, in the case of an individual, stock owned by members of his family as defined in section 544 (a)(2)), outstanding at any time during such year do not exceed \$5,000 in principal amount;”.

(3) SPECIAL RULES FOR SECTION 542(c)(6).—Section 542 is amended by adding at the end thereof the following new subsection:

“(d) SPECIAL RULES FOR APPLYING SUBSECTION (c)(6).—

“(1) LENDING OR FINANCE BUSINESS DEFINED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), for purposes of subsection (c)(6), the term ‘lending or finance business’ means a business of—

“(i) making loans,

“(ii) purchasing or discounting accounts receivable, notes, or installment obligations,

“(iii) rendering services or making facilities available in connection with activities described in clauses (i) and (ii) carried on by the corporation rendering services or making facilities available, or

“(iv) rendering services or making facilities available to another corporation which is engaged in the lending or finance business (within the meaning of this paragraph), if such services or facilities are related to the lending or finance business (within such meaning) of such other corporation and such other corporation and the corporation rendering services or making facilities available are members of the same affiliated group (as defined in section 1504).

“(B) EXCEPTIONS.—For purposes of subparagraph (A), the term ‘lending or finance business’ does not include the business of—

“(i) making loans, or purchasing or discounting accounts receivable, notes, or installment obligations, if (at the time of the loan, purchase, or discount) the remaining maturity exceeds 60 months, unless the loans, notes, or installment obligations are evidenced or secured by contracts of conditional sale, chattel mortgages, or chattel lease agreements arising out of the sale of goods or services in the course of the borrower’s or transferor’s trade or business, or

68A Stat. 188.
26 USC 544.

26 USC 542.

26 USC 1504.

“(ii) making loans evidenced by, or purchasing, certificates of indebtedness issued in a series, under a trust indenture, and in registered form or with interest coupons attached.

For purposes of clause (i), the remaining maturity shall be treated as including any period for which there may be a renewal or extension under the terms of an option exercisable by the borrower.

“(2) BUSINESS DEDUCTIONS.—For purposes of subsection (c) (6)(C), the deductions which may be taken into account shall include only—

“(A) deductions which are allowable only by reason of section 162 or section 404, except there shall not be included any such deduction in respect of compensation for personal services rendered by shareholders (including members of the shareholder's family as described in section 544(a)(2)), and

“(B) deductions allowable under section 167, and deductions allowable under section 164 for real property taxes, but in either case only to the extent that the property with respect to which such deductions are allowable is used directly in the active and regular conduct of the lending or finance business.

“(3) INCOME RECEIVED FROM CERTAIN AFFILIATED CORPORATIONS.—For purposes of subsection (c) (6)(B), in the case of a lending or finance company which meets the requirements of subsection (c) (6)(A), there shall not be treated as personal holding company income the lawful income received from a corporation which meets the requirements of subsection (c) (6) and which is a member of the same affiliated group (as defined in section 1504) of which such company is a member.”

(d) PERSONAL HOLDING COMPANY INCOME.—Subsections (a) and (b) of section 543 (relating to personal holding company income) are amended to read as follows:

“(a) GENERAL RULE.—For purposes of this subtitle, the term ‘personal holding company income’ means the portion of the adjusted ordinary gross income which consists of:

“(1) DIVIDENDS, ETC.—Dividends, interest, royalties (other than mineral, oil, or gas royalties or copyright royalties), and annuities. This paragraph shall not apply to—

“(A) interest constituting rent (as defined in subsection (b) (3)),

“(B) interest on amounts set aside in a reserve fund under section 511 or 607 of the Merchant Marine Act, 1936, and

“(C) a dividend distribution of divested stock (as defined in subsection (e) of section 1111), but only if the stock with respect to which the distribution is made was owned by the distributee on September 6, 1961, or was owned by the distributee for at least 2 years before the date on which the antitrust order (as defined in subsection (d) of section 1111) was entered.

“(2) RENTS.—The adjusted income from rents; except that such adjusted income shall not be included if—

“(A) such adjusted income constitutes 50 percent or more of the adjusted ordinary gross income, and

“(B) the sum of—

“(i) the dividends paid during the taxable year (determined under section 562),

“(ii) the dividends considered as paid on the last day of the taxable year under section 563(c) (as limited by the second sentence of section 563(b)), and

68A Stat. 45.
26 USC 162, 404.

26 USC 544.

26 USC 167.

Ante, p. 40.
26 USC 164.

26 USC 1504.

26 USC 543.

54 Stat. 1106;
49 Stat. 2005.
46 USC 1161,
1177.
76 Stat. 4.
26 USC 1111.

26 USC 562.

26 USC 563.

68A Stat. 200.
26 USC 565.

“(iii) the consent dividends for the taxable year (determined under section 565), equals or exceeds the amount, if any, by which the personal holding company income for the taxable year (computed without regard to this paragraph and paragraph (6), and computed by including as personal holding company income copyright royalties and the adjusted income from mineral, oil, and gas royalties) exceeds 10 percent of the ordinary gross income.

“(3) MINERAL, OIL, AND GAS ROYALTIES.—The adjusted income from mineral, oil, and gas royalties; except that such adjusted income shall not be included if—

“(A) such adjusted income constitutes 50 percent or more of the adjusted ordinary gross income,

“(B) the personal holding company income for the taxable year (computed without regard to this paragraph, and computed by including as personal holding company income copyright royalties and the adjusted income from rents) is not more than 10 percent of the ordinary gross income, and

“(C) the sum of the deductions which are allowable under section 162 (relating to trade or business expenses) other than—

“(i) deductions for compensation for personal services rendered by the shareholders, and

“(ii) deductions which are specifically allowable under sections other than section 162,

equals or exceeds 15 percent of the adjusted ordinary gross income.

“(4) COPYRIGHT ROYALTIES.—Copyright royalties; except that copyright royalties shall not be included if—

“(A) such royalties (exclusive of royalties received for the use of, or right to use, copyrights or interests in copyrights on works created in whole, or in part, by any shareholder) constitute 50 percent or more of the ordinary gross income,

“(B) the personal holding company income for the taxable year computed—

“(i) without regard to copyright royalties, other than royalties received for the use of, or right to use, copyrights or interests in copyrights in works created in whole, or in part, by any shareholder owning more than 10 percent of the total outstanding capital stock of the corporation,

“(ii) without regard to dividends from any corporation in which the taxpayer owns at least 50 percent of all classes of stock entitled to vote and at least 50 percent of the total value of all classes of stock and which corporation meets the requirements of this subparagraph and subparagraphs (A) and (C), and

“(iii) by including as personal holding company income the adjusted income from rents and the adjusted income from mineral, oil, and gas royalties, is not more than 10 percent of the ordinary gross income, and

“(C) the sum of the deductions which are properly allocable to such royalties and which are allowable under section 162, other than—

“(i) deductions for compensation for personal services rendered by the shareholders,

“(ii) deductions for royalties paid or accrued, and

“(iii) deductions which are specifically allowable under sections other than section 162,

26 USC 162.

equals or exceeds 25 percent of the amount by which the ordinary gross income exceeds the sum of the royalties paid or accrued and the amounts allowable as deductions under section 167 (relating to depreciation) with respect to copyright royalties.

68A Stat. 51;
76 Stat. 1034.
26 USC 167.

For purposes of this subsection, the term 'copyright royalties' means compensation, however designated, for the use of, or the right to use, copyrights in works protected by copyright issued under title 17 of the United States Code (other than by reason of section 2 or 6 thereof) and to which copyright protection is also extended by the laws of any country other than the United States of America by virtue of any international treaty, convention, or agreement, or interests in any such copyrighted works, and includes payments from any person for performing rights in any such copyrighted work and payments (other than produced film rents as defined in paragraph (5)(B)) received for the use of, or right to use, films. For purposes of this paragraph, the term 'shareholder' shall include any person who owns stock within the meaning of section 544.

26 USC 544.

"(5) PRODUCED FILM RENTS.—

"(A) Produced film rents: except that such rents shall not be included if such rents constitute 50 percent or more of the ordinary gross income.

"(B) For purposes of this section, the term 'produced film rents' means payments received with respect to an interest in a film for the use of, or right to use, such film, but only to the extent that such interest was acquired before substantial completion of production of such film.

"(6) USE OF CORPORATION PROPERTY BY SHAREHOLDER.—Amounts received as compensation (however designated and from whomsoever received) for the use of, or right to use, property of the corporation in any case where, at any time during the taxable year, 25 percent or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for an individual entitled to the use of the property; whether such right is obtained directly from the corporation or by means of a sublease or other arrangement. This paragraph shall apply only to a corporation which has personal holding company income for the taxable year (computed without regard to this paragraph and paragraph (2), and computed by including as personal holding company income copyright royalties and the adjusted income from mineral, oil, and gas royalties) in excess of 10 percent of its ordinary gross income.

"(7) PERSONAL SERVICE CONTRACTS.—

"(A) Amounts received under a contract under which the corporation is to furnish personal services; if some person other than the corporation has the right to designate (by name or by description) the individual who is to perform the services, or if the individual who is to perform the services is designated (by name or by description) in the contract; and

"(B) amounts received from the sale or other disposition of such a contract.

This paragraph shall apply with respect to amounts received for services under a particular contract only if at some time during the taxable year 25 percent or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for the individual who has performed, is to perform, or may be

designated (by name or by description) as the one to perform, such services.

68A Stat. 215.
26 USC 641-683.

“(8) ESTATES AND TRUSTS.—Amounts includible in computing the taxable income of the corporation under part I of subchapter J (sec. 641 and following, relating to estates, trusts, and beneficiaries).

“(b) DEFINITIONS.—For purposes of this part—

“(1) ORDINARY GROSS INCOME.—The term ‘ordinary gross income’ means the gross income determined by excluding—

“(A) all gains from the sale or other disposition of capital assets, and

26 USC 1231.

“(B) all gains (other than those referred to in subparagraph (A)) from the sale or other disposition of property described in section 1231(b).

“(2) ADJUSTED ORDINARY GROSS INCOME.—The term ‘adjusted ordinary gross income’ means the ordinary gross income adjusted as follows:

“(A) RENTS.—From the gross income from rents (as defined in the second sentence of paragraph (3) of this subsection) subtract the amount allowable as deductions for—

“(i) exhaustion, wear and tear, obsolescence, and amortization of property other than tangible personal property which is not customarily retained by any one lessee for more than three years,

“(ii) property taxes,

“(iii) interest, and

“(iv) rent,

to the extent allocable, under regulations prescribed by the Secretary or his delegate, to such gross income from rents. The amount subtracted under this subparagraph shall not exceed such gross income from rents.

“(B) MINERAL ROYALTIES, ETC.—From the gross income from mineral, oil, and gas royalties described in paragraph (4), and from the gross income from working interests in an oil or gas well, subtract the amount allowable as deductions for—

“(i) exhaustion, wear and tear, obsolescence, amortization, and depletion,

“(ii) property and severance taxes,

“(iii) interest, and

“(iv) rent,

to the extent allocable, under regulations prescribed by the Secretary or his delegate, to such gross income from royalties or such gross income from working interests in oil or gas wells. The amount subtracted under this subparagraph with respect to royalties shall not exceed the gross income from such royalties, and the amount subtracted under this subparagraph with respect to working interests shall not exceed the gross income from such working interests.

“(C) INTEREST.—There shall be excluded—

“(i) interest received on a direct obligation of the United States held for sale to customers in the ordinary course of trade or business by a regular dealer who is making a primary market in such obligations, and

“(ii) interest on a condemnation award, a judgment, and a tax refund.

“(3) ADJUSTED INCOME FROM RENTS.—The term ‘adjusted income from rents’ means the gross income from rents, reduced by the amount subtracted under paragraph (2) (A) of this subsection.

For purposes of the preceding sentence, the term ‘rents’ means compensation, however designated, for the use of, or right to use, property, and the interest on debts owed to the corporation, to the extent such debts represent the price for which real property held primarily for sale to customers in the ordinary course of its trade or business was sold or exchanged by the corporation; but does not include amounts constituting personal holding company income under subsection (a) (6), nor copyright royalties (as defined in subsection (a) (4)), nor produced film rents (as defined in subsection (a) (5) (B)).

“(4) **ADJUSTED INCOME FROM MINERAL, OIL, AND GAS ROYALTIES.**—The term ‘adjusted income from mineral, oil, and gas royalties’ means the gross income from mineral, oil, and gas royalties (including production payments and overriding royalties), reduced by the amount subtracted under paragraph (2) (B) of this subsection in respect of such royalties.”

(e) **FOREIGN PERSONAL HOLDING COMPANY INCOME AND STOCK OWNERSHIP.**—Section 553 (relating to foreign personal holding company income) and section 554 (relating to stock ownership) are amended to read as follows:

68A Stat. 195.
26 USC 553, 554.

“SEC. 553. FOREIGN PERSONAL HOLDING COMPANY INCOME.

“(a) **FOREIGN PERSONAL HOLDING COMPANY INCOME.**—For purposes of this subtitle, the term ‘foreign personal holding company income’ means that portion of the gross income, determined for purposes of section 552, which consists of:

26 USC 552.

“(1) **DIVIDENDS, ETC.**—Dividends, interest, royalties, and annuities. This paragraph shall not apply to a dividend distribution of divested stock (as defined in subsection (e) of section 1111) but only if the stock with respect to which the distribution is made was owned by the distributee on September 6, 1961, or was owned by the distributee for at least 2 years before the date on which the antitrust order (as defined in subsection (d) of section 1111) was entered.

76 Stat. 4.
26 USC 1111.

“(2) **STOCK AND SECURITIES TRANSACTIONS.**—Except in the case of regular dealers in stock or securities, gains from the sale or exchange of stock or securities.

“(3) **COMMODITIES TRANSACTIONS.**—Gains from futures transactions in any commodity on or subject to the rules of a board of trade or commodity exchange. This paragraph shall not apply to gains by a producer, processor, merchant, or handler of the commodity which arise out of bona fide hedging transactions reasonably necessary to the conduct of its business in the manner in which such business is customarily and usually conducted by others.

“(4) **ESTATES AND TRUSTS.**—Amounts includible in computing the taxable income of the corporation under part I of subchapter J (sec. 641 and following, relating to estates, trusts, and beneficiaries); and gains from the sale or other disposition of any interest in an estate or trust.

26 USC 641-683.

“(5) **PERSONAL SERVICE CONTRACTS.**—

“(A) Amounts received under a contract under which the corporation is to furnish personal services; if some person other than the corporation has the right to designate (by name or by description) the individual who is to perform the services, or if the individual who is to perform the services is designated (by name or by description) in the contract; and

“(B) amounts received from the sale or other disposition of such a contract.

This paragraph shall apply with respect to amounts received for services under a particular contract only if at some time during the taxable year 25 percent or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for the individual who has performed, is to perform, or may be designated (by name or by description) as the one to perform, such services.

“(6) **USE OF CORPORATION PROPERTY BY SHAREHOLDER.**—Amounts received as compensation (however designated and from whomsoever received) for the use of, or right to use, property of the corporation in any case where, at any time during the taxable year, 25 percent or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for an individual entitled to the use of the property; whether such right is obtained directly from the corporation or by means of a sublease or other arrangement. This paragraph shall apply only to a corporation which has foreign personal holding company income for the taxable year, computed without regard to this paragraph and paragraph (7), in excess of 10 percent of its gross income.

“(7) **RENTS.**—Rents, unless constituting 50 percent or more of the gross income. For purposes of this paragraph, the term ‘rents’ means compensation, however designated, for the use of, or right to use, property; but does not include amounts constituting foreign personal holding company income under paragraph (6).

“(b) **LIMITATION ON GROSS INCOME IN CERTAIN TRANSACTIONS.**—For purposes of this part—

“(1) gross income and foreign personal holding company income determined with respect to transactions described in subsection (a) (2) (relating to gains from stock and security transactions) shall include only the excess of gains over losses from such transactions, and

“(2) gross income and foreign personal holding company income determined with respect to transactions described in subsection (a) (3) (relating to gains from commodity transactions) shall include only the excess of gains over losses from such transactions.

“SEC. 554. STOCK OWNERSHIP.

“(a) **CONSTRUCTIVE OWNERSHIP.**—For purposes of determining whether a corporation is a foreign personal holding company, insofar as such determination is based on stock ownership under section 552 (a) (2), section 553 (a) (5), or section 553 (a) (6)—

“(1) **STOCK NOT OWNED BY INDIVIDUAL.**—Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries.

“(2) **FAMILY AND PARTNERSHIP OWNERSHIP.**—An individual shall be considered as owning the stock owned, directly or indirectly, by or for his family or by or for his partner. For purposes of this paragraph, the family of an individual includes only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

“(3) **OPTIONS.**—If any person has an option to acquire stock, such stock shall be considered as owned by such person. For purposes of this paragraph, an option to acquire such an option, and each one of a series of such options, shall be considered as an option to acquire such stock.

“(4) APPLICATION OF FAMILY-PARTNERSHIP AND OPTION RULES.—Paragraphs (2) and (3) shall be applied—

“(A) for purposes of the stock ownership requirement provided in section 552(a) (2), if, but only if, the effect is to make the corporation a foreign personal holding company;

68A Stat. 195.
26 USC 552.

“(B) for purposes of section 553(a) (5) (relating to personal service contracts) or of section 553(a) (6) (relating to the use of property by shareholders), if, but only if, the effect is to make the amounts therein referred to includible under such paragraph as foreign personal holding company income.

Ante, p. 85.

“(5) CONSTRUCTIVE OWNERSHIP AS ACTUAL OWNERSHIP.—Stock constructively owned by a person by reason of the application of paragraph (1) or (3) shall, for purposes of applying paragraph (1) or (2), be treated as actually owned by such person; but stock constructively owned by an individual by reason of the application of paragraph (2) shall not be treated as owned by him for purposes of again applying such paragraph in order to make another the constructive owner of such stock.

“(6) OPTION RULE IN LIEU OF FAMILY AND PARTNERSHIP RULE.—If stock may be considered as owned by an individual under either paragraph (2) or (3) it shall be considered as owned by him under paragraph (3).

“(b) CONVERTIBLE SECURITIES.—Outstanding securities convertible into stock (whether or not convertible during the taxable year) shall be considered as outstanding stock—

“(1) for purposes of the stock ownership requirement provided in section 552(a) (2), but only if the effect of the inclusion of all such securities is to make the corporation a foreign personal holding company;

“(2) for purposes of section 553(a) (5) (relating to personal service contracts), but only if the effect of the inclusion of all such securities is to make the amounts therein referred to includible under such paragraph as foreign personal holding company income; and

“(3) for purposes of section 553(a) (6) (relating to the use of property by shareholders), but only if the effect of the inclusion of all such securities is to make the amounts therein referred to includible under such paragraph as foreign personal holding company income.

The requirement in paragraphs (1), (2), and (3) that all convertible securities must be included if any are to be included shall be subject to the exception that, where some of the outstanding securities are convertible only after a later date than in the case of others, the class having the earlier conversion date may be included although the others are not included, but no convertible securities shall be included unless all outstanding securities having a prior conversion date are also included.”

(f) DIVIDENDS-PAID DEDUCTION.—

(1) Paragraph (2) of section 316(b) (relating to special rules for dividend defined) is amended to read as follows:

26 USC 316.

“(2) DISTRIBUTIONS BY PERSONAL HOLDING COMPANIES.—

“(A) In the case of a corporation which—

“(i) under the law applicable to the taxable year in which the distribution is made, is a personal holding company (as defined in section 542), or

Ante, p. 79.
26 USC 542.

“(ii) for the taxable year in respect of which the distribution is made under section 563(b) (relating to dividends paid after the close of the taxable year), or section 547 (relating to deficiency dividends), or the cor-

26 USC 563.

26 USC 547.

responding provisions of prior law, is a personal holding company under the law applicable to such taxable year, the term 'dividend' also means any distribution of property (whether or not a dividend as defined in subsection (a)) made by the corporation to its shareholders, to the extent of its undistributed personal holding company income (determined under section 545 without regard to distributions under this paragraph) for such year.

"(B) For purposes of subparagraph (A), the term 'distribution of property' includes a distribution in complete liquidation occurring within 24 months after the adoption of a plan of liquidation, but—

"(i) only to the extent of the amounts distributed to distributees other than corporate shareholders, and

"(ii) only to the extent that the corporation designates such amounts as a dividend distribution and duly notifies such distributees of such designation, under regulations prescribed by the Secretary or his delegate, but

"(iii) not in excess of the sum of such distributees' allocable share of the undistributed personal holding company income for such year, computed without regard to this subparagraph or section 562(b)."

Infra.

26 USC 331.

(2) Section 331(b) (relating to nonapplication of section 301) is amended by inserting after "any distribution of property" the phrase "(other than a distribution referred to in paragraph (2)(B) of section 316(b))".

Ante, p. 87.

26 USC 562.

(3) Section 562(b) (relating to distributions in liquidation) is amended to read as follows:

"(b) DISTRIBUTIONS IN LIQUIDATION.—

"(1) Except in the case of a personal holding company described in section 542 or a foreign personal holding company described in section 552—

26 USC 542.

26 USC 552.

"(A) in the case of amounts distributed in liquidation, the part of such distribution which is properly chargeable to earnings and profits accumulated after February 28, 1913, shall be treated as a dividend for purposes of computing the dividends paid deduction, and

"(B) in the case of a complete liquidation occurring within 24 months after the adoption of a plan of liquidation, any distribution within such period pursuant to such plan shall, to the extent of the earnings and profits (computed without regard to capital losses) of the corporation for the taxable year in which such distribution is made, be treated as a dividend for purposes of computing the dividends paid deduction.

"(2) In the case of a complete liquidation of a personal holding company, occurring within 24 months after the adoption of a plan of liquidation, the amount of any distribution within such period pursuant to such plan shall be treated as a dividend for purposes of computing the dividends paid deduction, to the extent that such amount is distributed to corporate distributees and represents such corporate distributees' allocable share of the undistributed personal holding company income for the taxable year of such distribution computed without regard to this paragraph and without regard to subparagraph (B) of section 316(b)(2)."

26 USC 551.

(4) Section 551(b) (relating to amount included in gross income) is amended by striking out "received as a dividend" and inserting in lieu thereof "received as a dividend (determined as if

any distribution in liquidation actually made in such taxable year had not been made)".

(g) ONE-MONTH LIQUIDATIONS.—Section 333 (relating to election as to recognition of gain in certain liquidations) is amended by adding at the end thereof the following new subsection:

68A Stat. 103.
26 USC 333.

"(g) SPECIAL RULE.—

"(1) LIQUIDATIONS BEFORE JANUARY 1, 1967.—In the case of a liquidation occurring before January 1, 1967, of a corporation referred to in paragraph (3)—

"(A) the date 'December 31, 1953' referred to in subsections (e) (2) and (f) (1) shall be treated as if such date were 'December 31, 1962', and

"(B) in the case of stock in such corporation held for more than 6 months, the term 'a dividend' as used in subsection (e) (1) shall be treated as if such term were 'long-term capital gain'.

Subparagraph (B) shall not apply to any earnings and profits to which the corporation succeeds after December 31, 1963, pursuant to any corporate reorganization or pursuant to any liquidation to which section 332 applies, except earnings and profits which on December 31, 1963, constituted earnings and profits of a corporation referred to in paragraph (3), and except earnings and profits which were earned after such date by a corporation referred to in paragraph (3).

26 USC 332.

"(2) LIQUIDATIONS AFTER DECEMBER 31, 1966.—

"(A) IN GENERAL.—In the case of a liquidation occurring after December 31, 1966, of a corporation to which this subparagraph applies—

"(i) the date 'December 31, 1953' referred to in subsections (e) (2) and (f) (1) shall be treated as if such date were 'December 31, 1962', and

"(ii) so much of the gain recognized under subsection (e) (1) as is attributable to the earnings and profits accumulated after February 28, 1913, and before January 1, 1967, shall, in the case of stock in such corporation held for more than 6 months, be treated as long-term capital gain, and only the remainder of such gain shall be treated as a dividend.

Clause (ii) shall not apply to any earnings and profits to which the corporation succeeds after December 31, 1963, pursuant to any corporate reorganization or pursuant to any liquidation to which section 332 applies, except earnings and profits which on December 31, 1963, constituted earnings and profits of a corporation referred to in paragraph (3), and except earnings and profits which were earned after such date by a corporation referred to in paragraph (3).

"(B) CORPORATIONS TO WHICH APPLICABLE.—Subparagraph (A) shall apply only with respect to a corporation which is referred to in paragraph (3) and which—

"(i) on January 1, 1964, owes qualified indebtedness (as defined in section 545(c)),

"(ii) before January 1, 1968, notifies the Secretary or his delegate that it may wish to have subparagraph (A) apply to it and submits such information as may be required by regulations prescribed by the Secretary or his delegate, and

"(iii) liquidates before the close of the taxable year in which such corporation ceases to owe such qualified indebtedness or (if earlier) the taxable year referred to in subparagraph (C).

Post, p. 90.

“(C) ADJUSTED POST-1963 EARNINGS AND PROFITS EXCEED QUALIFIED INDEBTEDNESS.—In the case of any corporation, the taxable year referred to in this subparagraph is the first taxable year at the close of which its adjusted post-1963 earnings and profits equal or exceed the amount of such corporation’s qualified indebtedness on January 1, 1964. For purposes of the preceding sentence, the term ‘adjusted post-1963 earnings and profits’ means the sum of—

“(i) the earnings and profits of such corporation for taxable years beginning after December 31, 1963, without diminution by reason of any distributions made out of such earnings and profits, and

“(ii) the deductions allowed for taxable years beginning after December 31, 1963, for exhaustion, wear and tear, obsolescence, amortization, or depletion.

“(3) CORPORATIONS REFERRED TO.—For purposes of paragraphs (1) and (2), a corporation referred to in this paragraph is a corporation which for at least one of the two most recent taxable years ending before the date of the enactment of this subsection was not a personal holding company under section 542, but would have been a personal holding company under section 542 for such taxable year if the law applicable for the first taxable year beginning after December 31, 1963, had been applicable to such taxable year.

“(4) MISTAKE AS TO APPLICABILITY OF SUBSECTION.—An election made under this section by a qualified electing shareholder of a corporation in which such shareholder states that such election is made on the assumption that such corporation is a corporation referred to in paragraph (3) shall have no force or effect if it is determined that the corporation is not a corporation referred to in paragraph (3).”

(h) EXCEPTION FOR CERTAIN CORPORATIONS.—

(1) GENERAL RULE.—Except as provided in paragraph (2), in the case of a corporation referred to in section 333(g)(3) of the Internal Revenue Code of 1954 (as added by subsection (g) of this section), the amendments made by this section (other than subsections (f) and (g)) shall not apply if there is a complete liquidation of such corporation and if the distribution of all the property under such liquidation occurs before January 1, 1966.

(2) EXCEPTION.—Paragraph (1) shall not apply to any liquidation to which section 332 of the Internal Revenue Code of 1954 applies unless—

(A) the corporate distributee (referred to in subsection (b)(1) of such section 332) in such liquidation is liquidated in a complete liquidation to which such section 332 does not apply, and

(B) the distribution of all the property under such liquidation occurs before the 91st day after the last distribution referred to in paragraph (1) and before January 1, 1966.

(i) DEDUCTION FOR AMORTIZATION OF INDEBTEDNESS.—

(1) Section 545(a) (relating to definition of undistributed personal holding company income) is amended by striking out “subsection (b)” and inserting in lieu thereof “subsections (b) and (c)”.

(2) Section 545 is amended by adding at the end thereof the following new subsection:

“(c) SPECIAL ADJUSTMENT TO TAXABLE INCOME.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, for purposes of subsection (a) there shall be allowed as

68A Stat. 182;
ante, p. 79.
26 USC 542.

Ante, p. 89.

26 USC 332.

26 USC 545.

a deduction amounts used, or amounts irrevocably set aside (to the extent reasonable with reference to the size and terms of the indebtedness), to pay or retire qualified indebtedness.

“(2) CORPORATIONS TO WHICH APPLICABLE.—This subsection shall apply only with respect to a corporation—

“(A) which for at least one of the two most recent taxable years ending before the date of the enactment of this subsection was not a personal holding company under section 542, but would have been a personal holding company under section 542 for such taxable year if the law applicable for the first taxable year beginning after December 31, 1963, had been applicable to such taxable year, or

68A Stat. 182;
ante, p. 79.
26 USC 542.

“(B) to the extent that it succeeds to the deduction referred to in paragraph (1) by reason of section 381(c) (15).

26 USC 381.
Post, p. 92.

“(3) QUALIFIED INDEBTEDNESS.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, for purposes of this subsection the term ‘qualified indebtedness’ means—

“(i) the outstanding indebtedness incurred by the taxpayer after December 31, 1933, and before January 1, 1964, and

“(ii) the outstanding indebtedness incurred after December 31, 1963, for the purpose of making a payment or set-aside referred to in paragraph (1) in the same taxable year, but, in the case of such a payment or set-aside which is made on or after the first day of the first taxable year beginning after December 31, 1963, only to the extent the deduction otherwise allowed in paragraph (1) with respect to such payment or set-aside is treated as nondeductible by reason of the election provided in paragraph (4).

“(B) EXCEPTION.—For purposes of subparagraph (A), qualified indebtedness does not include any amounts which were, at any time after December 31, 1963, and before the payment or set-aside, owed to a person who at such time owned (or was considered as owning within the meaning of section 318(a)) more than 10 percent in value of the taxpayer’s outstanding stock.

26 USC 318.

“(C) REDUCTION FOR AMOUNTS IRREVOCABLY SET ASIDE.—For purposes of subparagraph (A), the qualified indebtedness with respect to a contract shall be reduced by amounts irrevocably set aside before the taxable year to pay or retire such indebtedness; and no deduction shall be allowed under paragraph (1) for payments out of amounts so set aside.

“(4) ELECTION NOT TO DEDUCT.—A taxpayer may elect, under regulations prescribed by the Secretary or his delegate, to treat as nondeductible an amount otherwise deductible under paragraph (1); but only if the taxpayer files such election on or before the 15th day of the third month following the close of the taxable year with respect to which such election applies, designating therein the amounts which are to be treated as nondeductible and specifying the indebtedness (referred to in paragraph (3) (A) (ii)) incurred for the purpose of making the payment or set-aside.

“(5) LIMITATIONS.—The deduction otherwise allowed by this subsection for the taxable year shall be reduced by the sum of—

“(A) the amount, if any, by which—

“(i) the deductions allowed for the taxable year and all preceding taxable years beginning after December 31, 1963, for exhaustion, wear and tear, obsolescence, amortization, or depletion (other than such deductions which are disallowed in computing undistributed personal holding company income under subsection (b) (8)), exceed

“(ii) any reduction, by reason of this subparagraph, of the deductions otherwise allowed by this subsection for such preceding taxable years, and

“(B) the amount, if any, by which—

“(i) the deductions allowed under subsection (b) (5) in computing undistributed personal holding company income for the taxable year and all preceding taxable years beginning after December 31, 1963, exceed

“(ii) any reduction, by reason of this subparagraph, of the deductions otherwise allowed by this subsection for such preceding taxable years.

“(6) **PRO-RATA REDUCTION IN CERTAIN CASES.**—For purposes of paragraph (3) (A), if property (of a character which is subject to an allowance for exhaustion, wear and tear, obsolescence, amortization, or depletion) is disposed of after December 31, 1963, the total amounts of qualified indebtedness of the taxpayer shall be reduced pro-rata in the taxable year of such disposition by the amount, if any, by which—

“(A) the adjusted basis of such property at the time of such disposition, exceeds

“(B) the amount of qualified indebtedness which ceased to be qualified indebtedness with respect to the taxpayer by reason of the assumption of the indebtedness by the transferee.”

(3) Paragraph (15) of section 381(c) (relating to carryovers in certain corporate acquisitions) is amended to read as follows:

“(15) **INDEBTEDNESS OF CERTAIN PERSONAL HOLDING COMPANIES.**—

The acquiring corporation shall be considered to be the distributor or transferor corporation for the purpose of determining the applicability of subsections (b) (7) and (c) of section 545, relating to deduction with respect to payment of certain indebtedness.”

(j) **INCREASE IN BASIS WITH RESPECT TO CERTAIN FOREIGN PERSONAL HOLDING COMPANY STOCK OR SECURITIES.**—

(1) **IN GENERAL.**—Part II of subchapter O of chapter 1 (relating to basis rules of general application) is amended by redesignating section 1022 as section 1023 and by inserting after section 1021 the following new section:

“**SEC. 1022. INCREASE IN BASIS WITH RESPECT TO CERTAIN FOREIGN PERSONAL HOLDING COMPANY STOCK OR SECURITIES.**

“(a) **GENERAL RULE.**—The basis (determined under section 1014(b) (5), relating to basis of stock or securities in a foreign personal holding company) of a share of stock or a security, acquired from a decedent dying after December 31, 1963, of a corporation which was a foreign personal holding company for its most recent taxable year ending before the date of the decedent's death shall be increased by its proportionate share of any Federal estate tax attributable to the net appreciation in value of all of such shares and securities determined as provided in this section.

“(b) **PROPORTIONATE SHARE.**—For purposes of subsection (a), the proportionate share of a share of stock or of a security is that amount which bears the same ratio to the aggregate increase determined under

68A Stat. 128.
26 USC 381.

Ante, p. 90.
26 USC 545.

26 USC 1011-
1022.

26 USC 1014.

subsection (c) (2) as the appreciation in value of such share or security bears to the aggregate appreciation in value of all such shares and securities having appreciation in value.

“(c) SPECIAL RULES AND DEFINITIONS.—For purposes of this section—

“(1) FEDERAL ESTATE TAX.—The term ‘Federal estate tax’ means only the tax imposed by section 2001 or 2101, reduced by any credit allowable with respect to a tax on prior transfers by section 2013 or 2102.

68A Stat. 373.
26 USC 2001,
2101.
26 USC 2013,
2102.

“(2) FEDERAL ESTATE TAX ATTRIBUTABLE TO NET APPRECIATION IN VALUE.—The Federal estate tax attributable to the net appreciation in value of all shares of stock and securities to which subsection (a) applies is that amount which bears the same ratio to the Federal estate tax as the net appreciation in value of all of such shares and securities bears to the value of the gross estate as determined under chapter 11 (including section 2032, relating to alternate valuation).

26 USC 2032.

“(3) NET APPRECIATION.—The net appreciation in value of all shares and securities to which subsection (a) applies is the amount by which the fair market value of all such shares and securities exceeds the adjusted basis of such property in the hands of the decedent.

“(4) FAIR MARKET VALUE.—For purposes of this section, the term ‘fair market value’ means fair market value determined under chapter 11 (including section 2032, relating to alternate valuation).

26 USC 2001-
2209.

“(d) LIMITATIONS.—This section shall not apply to any foreign personal holding company referred to in section 342(a) (2).”

26 USC 342.

(2) AMENDMENT OF SECTION 1016(a).—Section 1016(a) (relating to adjustments to basis) is amended by striking out the period at the end thereof and by inserting in lieu thereof a semicolon and by adding at the end thereof the following new paragraph:

76 Stat. 1031.
26 USC 1016.

“(21) to the extent provided in section 1022, relating to increase in basis for certain foreign personal holding company stock or securities.”

Ante, p. 92.

(3) CLERICAL AMENDMENT.—The table of sections for part II of subchapter O of chapter 1 is amended by striking out

“Sec. 1022. Cross references.”

and inserting in lieu thereof the following:

“Sec. 1022. Increase in basis with respect to certain foreign personal holding company stock or securities.

“Sec. 1023. Cross references.”

(k) TECHNICAL AMENDMENTS.—

(1) Section 542(b) (relating to corporations filing consolidated returns) is amended by striking out “gross income” each place it appears and inserting in lieu thereof “adjusted ordinary gross income”.

26 USC 542.

(2) Section 543 (relating to personal holding company income) is amended by striking out subsection (d) (relating to special adjustment on disposition of antitrust stock received as a dividend).

76 Stat. 6.
26 USC 543.

(3) Section 544 (relating to rules for determining stock ownership) is amended—

26 USC 544.

(A) by striking out “section 543(a) (5)” each place it appears and inserting in lieu thereof “section 543(a) (7)”, and

Ante, p. 83.

Ante, p. 82.
26 USC 543.

74 Stat. 1004.
26 USC 856.

68A Stat. 350.
26 USC 1361.

(B) by striking out "section 543(a)(9)" each place it appears and inserting in lieu thereof "section 543(a)(4)".

(4) REAL ESTATE INVESTMENT TRUSTS.—Paragraph (6) of section 856(a) (relating to definition of real estate investment trust) is amended by striking out "gross income" and inserting in lieu thereof "adjusted ordinary gross income (as defined in section 543(b)(2))".

(5) UNINCORPORATED BUSINESS ENTERPRISES ELECTING TO BE TAXED AS DOMESTIC CORPORATIONS.—Section 1361(i) (relating to personal holding company income) is amended to read as follows:
"(i) PERSONAL HOLDING COMPANY INCOME.—

"(1) EXCLUDED FROM INCOME OF ENTERPRISE.—There shall be excluded from the gross income of the enterprise as to which an election has been made under subsection (a) any item of gross income (computed without regard to the adjustments provided in section 543(b)(3) or (4)) if, but for this paragraph, such item (adjusted, where applicable, as provided in section 543(b)(3) or (4)) would constitute personal holding company income (as defined in section 543(a)) of such enterprise.

"(2) INCOME AND DEDUCTIONS OF OWNERS.—Items excluded from the gross income of the enterprise under paragraph (1), and the expenses attributable thereto, shall be treated as the income and deductions of the proprietor or partners (in accordance with their distributive shares of partnership income) of such enterprise.

"(3) DISTRIBUTIONS.—If—

"(A) the amount excluded from gross income under paragraph (2) exceeds the expenses attributable thereto, and

"(B) any portion of such excess is distributed to the proprietor or partner during the year earned, such portion shall not be taxed as a corporate distribution. The portion of such excess not distributed during such year shall be considered as paid-in surplus or as a contribution to capital as of the close of such year."

26 USC 6501.

(6) ASSESSMENT AND COLLECTION OF PERSONAL HOLDING COMPANY TAX.—Section 6501(f) (relating to personal holding company tax) is amended by striking out "gross income, described in section 543(a)," and inserting in lieu thereof "gross income and adjusted ordinary gross income, described in section 543,".

(l) EFFECTIVE DATES.—

(1) The amendments made by this section (other than by subsections (c)(1), (f), (g), and (j)) shall apply to taxable years beginning after December 31, 1963.

(2) The amendment made by subsection (c)(1) shall apply to taxable years beginning after October 16, 1962.

(3) The amendments made by subsections (f) and (g) shall apply to distributions made in any taxable year of the distributing corporation beginning after December 31, 1963.

(4) The amendments made by subsection (j) shall apply in respect of decedents dying after December 31, 1963.

(5) Subsection (h) shall apply to taxable years beginning after December 31, 1963.

SEC. 226. TREATMENT OF PROPERTY IN CASE OF OIL AND GAS WELLS.

26 USC 614.

(a) IN GENERAL.—Section 614(b) (relating to special rule as to operating mineral interests) is amended to read as follows:

"(b) SPECIAL RULES AS TO OPERATING MINERAL INTERESTS IN OIL AND GAS WELLS.—In the case of oil and gas wells—

“(1) IN GENERAL.—Except as otherwise provided in this subsection—

“(A) all of the taxpayer’s operating mineral interests in a separate tract or parcel of land shall be combined and treated as one property, and

“(B) the taxpayer may not combine an operating mineral interest in one tract or parcel of land with an operating mineral interest in another tract or parcel of land.

“(2) ELECTION TO TREAT OPERATING MINERAL INTERESTS AS SEPARATE PROPERTIES.—If the taxpayer has more than one operating mineral interest in a single tract or parcel of land, he may elect to treat one or more of such operating mineral interests as separate properties. The taxpayer may not have more than one combination of operating mineral interests in a single tract or parcel of land. If the taxpayer makes the election provided in this paragraph with respect to any interest in a tract or parcel of land, each operating mineral interest which is discovered or acquired by the taxpayer in such tract or parcel of land after the taxable year for which the election is made shall be treated—

“(A) if there is no combination of interests in such tract or parcel, as a separate property unless the taxpayer elects to combine it with another interest, or

“(B) if there is a combination of interests in such tract or parcel, as part of such combination unless the taxpayer elects to treat it as a separate property.

“(3) CERTAIN UNITIZATION OR POOLING ARRANGEMENTS.—

“(A) IN GENERAL.—Under regulations prescribed by the Secretary or his delegate, if one or more of the taxpayer’s operating mineral interests participate, under a voluntary or compulsory unitization or pooling agreement, in a single cooperative or unit plan of operation, then for the period of such participation—

“(i) they shall be treated for all purposes of this subtitle as one property, and

“(ii) the application of paragraphs (1), (2), and (4) in respect of such interests shall be suspended.

“(B) LIMITATION.—Subparagraph (A) shall apply to a voluntary agreement only if all the operating mineral interests covered by such agreement—

“(i) are in the same deposit, or are in 2 or more deposits the joint development or production of which is logical from the standpoint of geology, convenience, economy, or conservation, and

“(ii) are in tracts or parcels of land which are contiguous or in close proximity.

“(C) SPECIAL RULE IN THE CASE OF ARRANGEMENTS ENTERED INTO IN TAXABLE YEARS BEGINNING BEFORE JANUARY 1, 1964.—If—

“(i) two or more of the taxpayer’s operating mineral interests participate under a voluntary or compulsory unitization or pooling agreement entered into in any taxable year beginning before January 1, 1964, in a single cooperative or unit plan of operation,

“(ii) the taxpayer, for the last taxable year beginning before January 1, 1964, treated such interests as two or more separate properties, and

“(iii) it is determined that such treatment was proper under the law applicable to such taxable year, such taxpayer may continue to treat such interests in a consistent manner for the period of such participation.

“(4) MANNER, TIME, AND SCOPE OF ELECTION.—

“(A) MANNER AND TIME.—Any election provided in paragraph (2) shall be made for each operating mineral interest, in the manner prescribed by the Secretary or his delegate by regulations, not later than the time prescribed by law for filing the return (including extensions thereof) for whichever of the following taxable years is the later: The first taxable year beginning after December 31, 1963, or the first taxable year in which any expenditure for development or operation in respect of such operating mineral interest is made by the taxpayer after the acquisition of such interest.

“(B) SCOPE.—Any election under paragraph (2) shall be for all purposes of this subtitle and shall be binding on the taxpayer for all subsequent taxable years.

“(5) TREATMENT OF CERTAIN PROPERTIES.—If, on the day preceding the first day of the first taxable year beginning after December 31, 1963, the taxpayer has any operating mineral interests which he treats under subsection (d) of this section (as in effect before the amendments made by the Revenue Act of 1964), such treatment shall be continued and shall be deemed to have been adopted pursuant to paragraphs (1) and (2) of this subsection (as amended by such Act).”

(b) TECHNICAL AMENDMENTS.—

(1) The heading of section 614(c) is amended to read as follows:

“(c) SPECIAL RULES AS TO OPERATING MINERAL INTERESTS IN MINES.—”

(2) Paragraph (5) of section 614(c) is hereby repealed.

(3) Section 614(d) is amended to read as follows:

“(d) OPERATING MINERAL INTERESTS DEFINED.—For purposes of this section, the term ‘operating mineral interest’ includes only an interest in respect of which the costs of production of the mineral are required to be taken into account by the taxpayer for purposes of computing the 50 percent limitation provided for in section 613, or would be so required if the mine, well, or other natural deposit were in the production stage.”

(4) Section 614(e)(2) is amended by striking out “within the meaning of subsection (b)(3)”.

(c) ALLOCATION OF BASIS IN CERTAIN CASES.—For purposes of the Internal Revenue Code of 1954—

(1) FAIR MARKET VALUE RULE.—Except as provided in paragraph (2), if a taxpayer has a section 614(b) aggregation, then the adjusted basis (as of the first day of the first taxable year beginning after December 31, 1963) of each property included in such aggregation shall be determined by multiplying the adjusted basis of the aggregation by a fraction—

(A) the numerator of which is the fair market value of such property, and

(B) the denominator of which is the fair market value of such aggregation.

For purposes of this paragraph, the adjusted basis and the fair market value of the aggregation, and the fair market value of each property included therein, shall be determined as of the day preceding the first day of the first taxable year which begins after December 31, 1963.

(2) ALLOCATION OF ADJUSTMENTS, ETC.—If the taxpayer makes an election under this paragraph with respect to any section 614 (b) aggregation, then the adjusted basis (as of the first day of the

72 Stat. 1634.
26 USC 614.

Repeal.

68A Stat. 208.
26 USC 613.

first taxable year beginning after December 31, 1963) of each property included in such aggregation shall be the adjusted basis of such property at the time it was first included in the aggregation by the taxpayer, adjusted for that portion of those adjustments to the basis of the aggregation which are reasonably attributable to such property. If, under the preceding sentence, the total of the adjusted bases of the interests included in the aggregation exceeds the adjusted basis of the aggregation (as of the day preceding the first day of the first taxable year which begins after December 31, 1963), the adjusted bases of the properties which include such interests shall be adjusted, under regulations prescribed by the Secretary of the Treasury or his delegate, so that the total of the adjusted bases of such interests equals the adjusted basis of the aggregation. An election under this paragraph shall be made at such time and in such manner as the Secretary of the Treasury or his delegate shall by regulations prescribe.

(3) **DEFINITIONS.**—For purposes of this subsection—

(A) **SECTION 614(b) AGGREGATION.**—The term “section 614(b) aggregation” means any aggregation to which section 614(b)(1)(A) of the Internal Revenue Code of 1954 (as in effect before the amendments made by subsection (a) of this section) applied for the day preceding the first day of the first taxable year beginning after December 31, 1963.

68A Stat. 210.
26 USC 614.

(B) **PROPERTY.**—The term “property” has the same meaning as is applicable, under section 614 of the Internal Revenue Code of 1954, to the taxpayer for the first taxable year beginning after December 31, 1963.

(d) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 1963.

SEC. 227. TREATMENT OF CERTAIN IRON ORE ROYALTIES.

(a) **IN GENERAL.**—

(1) **AMENDMENT OF SECTION 631(c).**—Section 631(c) (relating to disposal of coal with a retained economic interest) is amended—

26 USC 631.

(A) by striking out the heading and inserting in lieu thereof the following:

“(c) **DISPOSAL OF COAL OR DOMESTIC IRON ORE WITH A RETAINED ECONOMIC INTEREST.**—”;

(B) by inserting “or iron ore mined in the United States,” after “coal (including lignite),”;

(C) by inserting “or iron ore” after “coal” each other place it appears in section 631(c); and

(D) by adding at the end thereof the following new sentence:

“This subsection shall not apply to any disposal of iron ore—

“(1) to a person whose relationship to the person disposing of such iron ore would result in the disallowance of losses under section 267 or 707(b), or

26 USC 267, 707.

“(2) to a person owned or controlled directly or indirectly by the same interests which own or control the person disposing of such iron ore.”

(2) **AMENDMENT OF SECTION 1231(b).**—Section 1231(b)(2) (defining property used in the trade or business) is amended to read as follows:

26 USC 1231.

“(2) **TIMBER, COAL, OR DOMESTIC IRON ORE.**—Such term includes timber, coal, and iron ore with respect to which section 631 applies.”

68A Stat. 82.
26 USC 272.

(3) AMENDMENT OF SECTION 272.—The text of section 272 (relating to disposal of coal) is amended by inserting “or iron ore” after “coal” each place it appears.

Ante, p. 97.
26 USC 631.

(b) CLERICAL AMENDMENTS.—

(1) the heading of section 631 is amended to read as follows:
“SEC. 631. GAIN OR LOSS IN THE CASE OF TIMBER, COAL, OR DOMESTIC IRON ORE.”

(2) The table of sections for part III of subchapter I of chapter 1 is amended by striking out

“Sec. 631. Gain or loss in the case of timber or coal.”

and inserting in lieu thereof the following:

“Sec. 631. Gain or loss in the case of timber, coal, or domestic iron ore.”

(3) The heading of section 272 is amended to read as follows:
“SEC. 272. DISPOSAL OF COAL OR DOMESTIC IRON ORE.”

(4) The table of sections for part IX of subchapter B of chapter 1 is amended by striking out

“Sec. 272. Disposal of coal.”

and inserting in lieu thereof the following:

“Sec. 272. Disposal of coal or domestic iron ore.”

26 USC 1016.

(5) Section 1016(a) (15) is amended by inserting “or domestic iron ore” after “coal”.

26 USC 1402.

(6) Section 1402(a) (3) (B) is amended to read as follows:

“(B) from the cutting of timber, or the disposal of timber, coal, or iron ore, if section 631 applies to such gain or loss, or”

64 Stat. 502;
68 Stat. 1055.
42 USC 411.

(7) Section 211(a) (3) of the Social Security Act is amended by striking out clause (B) and inserting in lieu thereof “(B) from the cutting of timber, or the disposal of timber, coal, or iron ore, if section 631 of the Internal Revenue Code of 1954 applies to such gain or loss.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to amounts received or accrued in taxable years beginning after December 31, 1963, attributable to iron ore mined in such taxable years.

SEC. 228. INSURANCE COMPANIES.

(a) CERTAIN MUTUALIZATION DISTRIBUTIONS MADE IN 1962.—

73 Stat. 123;
75 Stat. 120.
26 USC 809.

(1) DEDUCTION FOR CERTAIN MUTUALIZATION DISTRIBUTIONS.—Section 809(d) (11) (relating to deductions in computing gain from operations in the case of certain mutualization distributions) is amended by striking out “and 1961” and inserting in lieu thereof “1961, and 1962”.

(2) APPLICATION OF SECTION 815.—Section 809(g) (3) (relating to application of section 815 to certain mutualization distributions) is amended by striking out “or 1961” and inserting in lieu thereof “1961, or 1962”.

(b) ACCRUAL OF BOND DISCOUNT.—

73 Stat. 133.
26 USC 818.

(1) LIFE INSURANCE COMPANIES.—Section 818(b) (relating to amortization of premium and accrual of discount) is amended by adding at the end thereof the following new paragraph:

“(3) EXCEPTION.—For taxable years beginning after December 31, 1962, no accrual of discount shall be required under paragraph (1) on any bond (as defined in section 171(d)), except in the case of discount which is—

26 USC 171.

“(A) interest to which section 103 applies, or

26 USC 103.

“(B) original issue discount (as defined in section 1232(b)).

26 USC 1232.

For purposes of section 805(b)(3)(A), the current earnings rate for any taxable year beginning before January 1, 1963, shall be determined as if the preceding sentence applied to such taxable year."

73 Stat. 118.
26 USC 805.

(2) **MUTUAL INSURANCE COMPANIES.**—Section 822(d)(2) (relating to amortization of premium and accrual of discount) is amended by adding at the end thereof the following new sentence: "For taxable years beginning after December 31, 1962, no accrual of discount shall be required under this paragraph on any bond (as defined in section 171(d))."

68A Stat. 261.
26 USC 822.

(c) **CONTRIBUTIONS TO QUALIFIED, ETC., PLANS.**—Section 832(c)(10) (relating to deductions allowed in computing taxable income of certain insurance companies) is amended by inserting before the semicolon at the end thereof "and in part I of subchapter D (sec. 401 and following, relating to pension, profit-sharing, stock bonus plans, etc.)".

26 USC 171.
26 USC 832.

(d) **EFFECTIVE DATES.**—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1961. The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 1953, and ending after August 16, 1954.

Ante, pp. 58, 60.
26 USC 401-407.

SEC. 229. REGULATED INVESTMENT COMPANIES.

(a) **TIME FOR MAILING CERTAIN NOTICES TO SHAREHOLDERS.**—The following provisions (relating to notices to shareholders by regulated investment companies) are amended by striking out "30 days", wherever appearing therein, and inserting in lieu thereof "45 days":

- (1) Section 852(b)(3)(C),
- (2) Section 852(b)(3)(D)(i),
- (3) Section 853(c),
- (4) Section 854(b)(2), and
- (5) Section 855(c).

26 USC 852-855.

(b) **CERTAIN REDEMPTIONS BY UNIT INVESTMENT TRUSTS.**—Section 852 (relating to taxation of regulated investment companies and their shareholders) is amended by adding at the end thereof the following new subsection:

"(d) **DISTRIBUTIONS IN REDEMPTION OF INTERESTS IN UNIT INVESTMENT TRUSTS.**—In the case of a unit investment trust—

"(1) which is registered under the Investment Company Act of 1940 and issues periodic payment plan certificates (as defined in such Act), and

54 Stat. 789.
15 USC 80a-51.

"(2) substantially all of the assets of which consist of securities issued by a management company (as defined in such Act), section 562(c) (relating to preferential dividends) shall not apply to a distribution by such trust to a holder of an interest in such trust in redemption of part or all of such interest, with respect to the net capital gain of such trust attributable to such redemption."

26 USC 562.

(c) **EFFECTIVE DATES.**—The amendments made by subsection (a) shall apply to taxable years of regulated investment companies ending on or after the date of the enactment of this Act. The amendment made by subsection (b) shall apply to taxable years of regulated investment companies ending after December 31, 1963.

SEC. 230. CAPITAL LOSS CARRYOVERS FOR TAXPAYERS OTHER THAN CORPORATIONS.

(a) **IN GENERAL.**—Section 1212 (relating to capital loss carryover) is amended—

26 USC 1212.

(1) by striking out "If for any taxable year the taxpayer" and inserting in lieu thereof:

"(a) **CORPORATIONS.**—If for any taxable year a corporation"; and

(2) by adding at the end thereof the following new subsection: "(b) **OTHER TAXPAYERS.**—

"(1) IN GENERAL.—If a taxpayer other than a corporation has a net capital loss for any taxable year beginning after December 31, 1963—

"(A) the excess of the net short-term capital loss over the net long-term capital gain for such year shall be a short-term capital loss in the succeeding taxable year, and

"(B) the excess of the net long-term capital loss over the net short-term capital gain for such year shall be a long-term capital loss in the succeeding taxable year.

For purposes of this paragraph, in determining such excesses an amount equal to the excess of the sum allowed for the taxable year under section 1211(b) over the gains from sales or exchanges of capital assets (determined without regard to this sentence) shall be treated as a short-term capital gain in such year.

"(2) TRANSITIONAL RULE.—In the case of a taxpayer other than a corporation, there shall be treated as a short-term capital loss in the first taxable year beginning after December 31, 1963, any amount which is treated as a short-term capital loss in such year under this subchapter as in effect immediately before the enactment of the Revenue Act of 1964."

(b) TECHNICAL AMENDMENTS.—

(1) Section 1222(9) (relating to net capital gain) is amended to read as follows:

"(9) NET CAPITAL GAIN.—In the case of a corporation, the term 'net capital gain' means the excess of the gains from sales or exchanges of capital assets over the losses from such sales or exchanges."

(2) The second sentence of section 1222(10) (relating to net capital loss) is amended by striking out "For the purpose" and inserting in lieu thereof "In the case of a corporation, for the purpose".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1963.

SEC. 231. GAIN FROM DISPOSITIONS OF CERTAIN DEPRECIABLE REALTY.

(a) GAIN FROM DISPOSITIONS OF CERTAIN DEPRECIABLE REALTY.—Part IV of subchapter P of chapter 1 (relating to special rules for determining capital gains and losses) is amended by adding at the end thereof the following new section:

"SEC. 1250. GAIN FROM DISPOSITIONS OF CERTAIN DEPRECIABLE REALTY.

"(a) GENERAL RULE.—

"(1) ORDINARY INCOME.—Except as otherwise provided in this section, if section 1250 property is disposed of after December 31, 1963, the applicable percentage of the lower of—

"(A) the additional depreciation (as defined in subsection (b)(1)) in respect of the property, or

"(B) the excess of—

"(i) the amount realized (in the case of a sale, exchange, or involuntary conversion), or the fair market value of such property (in the case of any other disposition), over

"(ii) the adjusted basis of such property, shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231. Such gain shall be recognized notwithstanding any other provision of this subtitle.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means 100 percent minus

68A Stat. 321.
26 USC 1211.

26 USC 1222.

26 USC 1231-
1249.

one percentage point for each full month the property was held after the date on which the property was held 20 full months.

“(b) **ADDITIONAL DEPRECIATION DEFINED.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘additional depreciation’ means, in the case of any property, the depreciation adjustments in respect of such property; except that, in the case of property held more than one year, it means such adjustments only to the extent that they exceed the amount of the depreciation adjustments which would have resulted if such adjustments had been determined for each taxable year under the straight line method of adjustment. For purposes of the preceding sentence, if a useful life (or salvage value) was used in determining the amount allowed as a deduction for any taxable year, such life (or value) shall be used in determining the depreciation adjustments which would have resulted for such year under the straight line method.

“(2) **PROPERTY HELD BY LESSEE.**—In the case of a lessee, in determining the depreciation adjustments which would have resulted in respect of any building erected (or other improvement made) on the leased property, or in respect of any cost of acquiring the lease, the lease period shall be treated as including all renewal periods. For purposes of the preceding sentence—

“(A) the term ‘renewal period’ means any period for which the lease may be renewed, extended, or continued pursuant to an option exercisable by the lessee, but

“(B) the inclusion of renewal periods shall not extend the period taken into account by more than $\frac{2}{3}$ of the period on the basis of which the depreciation adjustments were allowed.

“(3) **DEPRECIATION ADJUSTMENTS.**—The term ‘depreciation adjustments’ means, in respect of any property, all adjustments attributable to periods after December 31, 1963, reflected in the adjusted basis of such property on account of deductions (whether in respect of the same or other property) allowed or allowable to the taxpayer or to any other person for exhaustion, wear and tear, obsolescence, or amortization (other than amortization under section 168). For purposes of the preceding sentence, if the taxpayer can establish by adequate records or other sufficient evidence that the amount allowed as a deduction for any period was less than the amount allowable, the amount taken into account for such period shall be the amount allowed.

“(c) **SECTION 1250 PROPERTY.**—For purposes of this section, the term ‘section 1250 property’ means any real property (other than section 1245 property, as defined in section 1245(a)(3)) which is or has been property of a character subject to the allowance for depreciation provided in section 167.

“(d) **EXCEPTIONS AND LIMITATIONS.**—

“(1) **GIFTS.**—Subsection (a) shall not apply to a disposition by gift.

“(2) **TRANSFERS AT DEATH.**—Except as provided in section 691 (relating to income in respect of a decedent), subsection (a) shall not apply to a transfer at death.

“(3) **CERTAIN TAX-FREE TRANSACTIONS.**—If the basis of property in the hands of a transferee is determined by reference to its basis in the hands of the transferor by reason of the application of section 332, 351, 361, 371(a), 374(a), 721, or 731, then the amount of gain taken into account by the transferor under subsection (a)(1) shall not exceed the amount of gain recognized to the transferor on the transfer of such property (determined without regard to this section). This paragraph shall not apply to a disposition

68A Stat. 52.
26 USC 168.

76 Stat. 1032.
26 USC 1245.
26 USC 167.

26 USC 691.

26 USC 332, 351,
361, 371, 374,
721, 731.

68A Stat. 176.
26 USC 521.

to an organization (other than a cooperative described in section 521) which is exempt from the tax imposed by this chapter.

“(4) LIKE KIND EXCHANGES; INVOLUNTARY CONVERSIONS, ETC.—

26 USC 1031,
1033.

“(A) RECOGNITION LIMIT.—If property is disposed of and gain (determined without regard to this section) is not recognized in whole or in part under section 1031 or 1033, then the amount of gain taken into account by the transferor under subsection (a) (1) shall not exceed the greater of the following:

“(i) the amount of gain recognized on the disposition (determined without regard to this section), increased as provided in subparagraph (B), or

“(ii) the amount determined under subparagraph (C).

“(B) INCREASE FOR CERTAIN STOCK.—With respect to any transaction, the increase provided by this subparagraph is the amount equal to the fair market value of any stock purchased in a corporation which (but for this paragraph) would result in nonrecognition of gain under section 1033 (a) (3) (A).

“(C) ADJUSTMENT WHERE INSUFFICIENT SECTION 1250 PROPERTY IS ACQUIRED.—With respect to any transaction, the amount determined under this subparagraph shall be the excess of—

“(i) the amount of gain which would (but for this paragraph) be taken into account under subsection (a) (1), over

“(ii) the fair market value (or cost in the case of a transaction described in section 1033 (a) (3)) of the section 1250 property acquired in the transaction.

“(D) BASIS OF PROPERTY ACQUIRED.—In the case of property purchased by the taxpayer in a transaction described in section 1033 (a) (3), in applying the last sentence of section 1033 (c), such sentence shall be applied—

“(i) first solely to section 1250 properties and to the amount of gain not taken into account under subsection (a) (1) by reason of this paragraph, and

“(ii) then to all purchased properties to which such sentence applies and to the remaining gain not recognized on the transaction as if the cost of the section 1250 properties were the basis of such properties computed under clause (i).

In the case of property acquired in any other transaction to which this paragraph applies, rules consistent with the preceding sentence shall be applied under regulations prescribed by the Secretary or his delegate.

“(E) ADDITIONAL DEPRECIATION WITH RESPECT TO PROPERTY DISPOSED OF.—In the case of any transaction described in section 1031 or 1033, the additional depreciation in respect of the section 1250 property acquired which is attributable to the section 1250 property disposed of shall be an amount equal to the amount of the gain which was not taken into account under subsection (a) (1) by reason of the application of this paragraph.

“(5) SECTION 1071 AND 1081 TRANSACTIONS.—Under regulations prescribed by the Secretary or his delegate, rules consistent with paragraphs (3) and (4) of this subsection and with subsections (e) and (f) shall apply in the case of transactions described in section 1071 (relating to gain from sale or exchange to effectuate

Ante, p. 101.

26 USC 1071,
1081.

policies of FCC) or section 1081 (relating to exchanges in obedience to SEC orders).

68A Stat. 312.
26 USC 1081.

“(6) PROPERTY DISTRIBUTED BY A PARTNERSHIP TO A PARTNER.—

“(A) IN GENERAL.—For purposes of this section, the basis of section 1250 property distributed by a partnership to a partner shall be deemed to be determined by reference to the adjusted basis of such property to the partnership.

“(B) ADDITIONAL DEPRECIATION.—In respect of any property described in subparagraph (A), the additional depreciation attributable to periods before the distribution by the partnership shall be—

“(i) the amount of the gain to which subsection (a) would have applied if such property had been sold by the partnership immediately before the distribution at its fair market value at such time and the applicable percentage for the property had been 100 percent, reduced by

“(ii) if section 751(b) applied to any part of such gain, the amount of such gain to which section 751(b) would have applied if the applicable percentage for the property had been 100 percent.

26 USC 751.

“(7) DISPOSITION OF PRINCIPAL RESIDENCE.—Subsection (a) shall not apply to a disposition of—

“(A) property to the extent used by the taxpayer as his principal residence (within the meaning of section 1034, relating to sale or exchange of residence), and

26 USC 1034.

“(B) property in respect of which the taxpayer meets the age and ownership requirements of section 121 (relating to gains from sale or exchange of residence of individual who has attained the age of 65) but only to the extent that he meets the use requirements of such section in respect of such property.

Ante, p. 38.

“(e) HOLDING PERIOD.—For purposes of determining the applicable percentage under this section, the provisions of section 1223 shall not apply, and the holding period of section 1250 property shall be determined under the following rules:

26 USC 1223.

“(1) BEGINNING OF HOLDING PERIOD.—The holding period of section 1250 property shall be deemed to begin—

“(A) in the case of property acquired by the taxpayer, on the day after the date of acquisition, or

“(B) in the case of property constructed, reconstructed, or erected by the taxpayer, on the first day of the month during which the property is placed in service.

“(2) PROPERTY WITH TRANSFERRED BASIS.—If the basis of property acquired in a transaction described in paragraph (1), (2), (3), or (5) of subsection (d) is determined by reference to its basis in the hands of the transferor, then the holding period of the property in the hands of the transferee shall include the holding period of the property in the hands of the transferor.

“(3) PRINCIPAL RESIDENCE.—If the basis of property acquired in a transaction described in paragraph (7) of subsection (d) is determined by reference to the basis in the hands of the taxpayer of other property, then the holding period of the property acquired shall include the holding period of such other property.

“(f) SPECIAL RULES FOR PROPERTY WHICH IS SUBSTANTIALLY IMPROVED.—

“(1) AMOUNT TREATED AS ORDINARY INCOME.—If, in the case of a disposition of section 1250 property, the property is treated as consisting of more than one element by reason of paragraph

68A Stat. 325.
26 USC 1231.

(3), then the amount taken into account under subsection (a) (1) in respect of such section 1250 property as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231 shall be the sum of the amounts determined under paragraph (2).

“(2) ORDINARY INCOME ATTRIBUTABLE TO AN ELEMENT.—For purposes of paragraph (1), the amount taken into account for any element shall be the amount determined by multiplying—

“(A) the amount which bears the same ratio to the lower of the amounts specified in subparagraph (A) or (B) of subsection (a) (1) for the section 1250 property as the additional depreciation for such element bears to the sum of the additional depreciation for all elements, by

“(B) the applicable percentage for such element.

For purposes of this paragraph, determinations with respect to any element shall be made as if it were a separate property.

Ante, p. 101.

“(3) PROPERTY CONSISTING OF MORE THAN ONE ELEMENT.—In applying this subsection in the case of any section 1250 property, there shall be treated as a separate element—

“(A) each separate improvement,

“(B) if, before completion of section 1250 property, units thereof (as distinguished from improvements) were placed in service, each such unit of section 1250 property, and

“(C) the remaining property which is not taken into account under subparagraphs (A) and (B).

“(4) PROPERTY WHICH IS SUBSTANTIALLY IMPROVED.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘separate improvement’ means each improvement added during the 36-month period ending on the last day of any taxable year to the capital account for the property, but only if the sum of the amounts added to such account during such period exceeds the greatest of—

“(i) 25 percent of the adjusted basis of the property,

“(ii) 10 percent of the adjusted basis of the property, determined without regard to the adjustments provided in paragraphs (2) and (3) of section 1016(a), or

“(iii) \$5,000.

26 USC 1016.

For purposes of clauses (i) and (ii), the adjusted basis of the property shall be determined as of the beginning of the first day of such 36-month period, or of the holding period of the property (within the meaning of subsection (e)), whichever is the later.

“(B) EXCEPTION.—Improvements in any taxable year shall be taken into account for purposes of subparagraph (A) only if the sum of the amounts added to the capital account for the property for such taxable year exceeds the greater of—

“(i) \$2,000, or

“(ii) one percent of the adjusted basis referred to in subparagraph (A) (ii), determined, however, as of the beginning of such taxable year.

For purposes of this section, if the amount added to the capital account for any separate improvement does not exceed the greater of clause (i) or (ii), such improvement shall be treated as placed in service on the first day, of a calendar month, which is closest to the middle of the taxable year.

“(C) IMPROVEMENT.—The term ‘improvement’ means, in the case of any section 1250 property, any addition to capital

account for such property after the initial acquisition or after completion of the property.

“(g) **ADJUSTMENTS TO BASIS.**—The Secretary or his delegate shall prescribe such regulations as he may deem necessary to provide for adjustments to the basis of property to reflect gain recognized under subsection (a).

“(h) **APPLICATION OF SECTION.**—This section shall apply notwithstanding any other provision of this subtitle.”

(b) **TECHNICAL AMENDMENTS.**—

(1) **SPECIAL RULE FOR CHARITABLE CONTRIBUTIONS.**—

(A) The heading of section 170(e) (relating to special rule for charitable contributions of section 1245 property) is amended by striking out “SECTION 1245 PROPERTY” and inserting in lieu thereof “CERTAIN PROPERTY”.

76 Stat. 1034.
26 USC 170.

(B) The text of such section 170(e) is amended by striking out “section 1245(a)” and inserting in lieu thereof “section 1245(a) or 1250(a)”.

26 USC 1245,
ante, p. 100.

(2) **CORPORATE DISTRIBUTIONS OF PROPERTY.**—Subsections (b) and (d) of section 301 (relating to amount distributed) are each amended by striking out “under section 1245(a)” and inserting in lieu thereof “under section 1245(a) or 1250(a)”.

26 USC 301.

(3) **EFFECT ON EARNINGS AND PROFITS.**—Paragraph (3) of section 312(c) (relating to adjustments of earnings and profits) is amended by striking out “or under section 1245(a)” and inserting in lieu thereof “or under section 1245(a) or 1250(a)”.

26 USC 312.

(4) **COLLAPSIBLE CORPORATIONS.**—Paragraph (12) of section 341(e) (relating to collapsible corporations) is amended by striking out “section 1245(a)” and inserting in lieu thereof “sections 1245(a) and 1250(a)”.

26 USC 341.

(5) **INSTALLMENT OBLIGATIONS IN CERTAIN LIQUIDATIONS.**—Subparagraphs (A) and (B) of section 453(d)(4) (relating to distribution of installment obligations in certain corporate liquidations) are each amended by striking out “section 1245(a)” and inserting in lieu thereof “section 1245(a) or 1250(a)”.

26 USC 453.

(6) **SPECIAL RULE FOR PARTNERSHIPS.**—Section 751(c) (relating to definition of “unrealized receivables” for purposes of subchapter K) is amended by striking out “(as defined in section 1245(a)(3))” and inserting in lieu thereof “(as defined in section 1245(a)(3) and section 1250 property (as defined in section 1250(c)))” and by striking out “to which section 1245(a)” and inserting in lieu thereof “to which section 1245(a) or 1250(a)”.

26 USC 751.

(7) The table of sections for part IV of subchapter P of chapter 1 is amended by adding at the end thereof the following:

“Sec. 1250. Gain from dispositions of certain depreciable realty.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to dispositions after December 31, 1963, in taxable years ending after such date.

SEC. 232. AVERAGING.

(a) **GENERAL RULE.**—Part I of subchapter Q of chapter 1 is amended to read as follows:

“PART I—INCOME AVERAGING

“Sec. 1301. Limitation on tax.

“Sec. 1302. Definition of averagable income; related definitions.

“Sec. 1303. Eligible individuals.

“Sec. 1304. Special rules.

“Sec. 1305. Regulations.

"SEC. 1301. LIMITATION ON TAX.

"If an eligible individual has averagable income for the computation year, and if the amount of such income exceeds \$3,000, then the tax imposed by section 1 for the computation year which is attributable to averagable income shall be 5 times the increase in tax under such section which would result from adding 20 percent of such income to the sum of—

"(1) 133 $\frac{1}{3}$ percent of average base period income, and

"(2) the amount (if any) of the average base period capital gain net income.

"SEC. 1302. DEFINITION OF AVERAGABLE INCOME; RELATED DEFINITIONS.

"(a) **AVERAGABLE INCOME.**—For purposes of this part—

"(1) **IN GENERAL.**—The term 'averagable income' means the amount (if any) by which adjusted taxable income exceeds 133 $\frac{1}{3}$ percent of average base period income.

"(2) **ADJUSTMENT IN CERTAIN CASES FOR CAPITAL GAINS.**—If—

"(A) the average base period capital gain net income, exceeds

"(B) the capital gain net income for the computation year,

then the term 'averagable income' means the amount determined under paragraph (1), reduced by an amount equal to such excess.

"(b) **ADJUSTED TAXABLE INCOME.**—For purposes of this part, the term 'adjusted taxable income' means the taxable income for the computation year, decreased by the sum of the following amounts:

"(1) **CAPITAL GAIN NET INCOME FOR THE COMPUTATION YEAR.**—

The amount (if any) of the capital gain net income for the computation year.

"(2) **INCOME ATTRIBUTABLE TO GIFTS, BEQUESTS, ETC.**—

"(A) **IN GENERAL.**—The amount of net income attributable to an interest in property where such interest was received by the taxpayer as a gift, bequest, devise, or inheritance during the computation year or any base period year. This paragraph shall not apply to gifts, bequests, devises, or inheritances between husband and wife if they make a joint return, or if one of them makes a return as a surviving spouse (as defined in section 2(b)), for the computation year.

"(B) **AMOUNT OF NET INCOME.**—Unless the taxpayer otherwise establishes to the satisfaction of the Secretary or his delegate, the amount of net income for any taxable year attributable to an interest described in subparagraph (A) shall be deemed to be 6 percent of the fair market value of such interest (as determined in accordance with the provisions of chapter 11 or chapter 12, as the case may be).

"(C) **LIMITATION.**—This paragraph shall apply only if the sum of the net incomes attributable to interests described in subparagraph (A) exceeds \$3,000.

"(D) **NET INCOME.**—For purposes of this paragraph, the term 'net income' means, with respect to any interest, the excess of—

"(i) items of gross income attributable to such interest, over

"(ii) the deductions properly allocable to or chargeable against such items.

For purposes of computing such net income, capital gains and losses shall not be taken into account.

"(3) **WAGERING INCOME.**—The amount (if any) by which the gains from wagering transactions for the computation year exceed the losses from such transactions.

68A Stat. 5;
ante, p. 19.
26 USC 1.

26 USC 2.

26 USC 2001,
2501.

"(4) CERTAIN AMOUNTS RECEIVED BY OWNER-EMPLOYEES.—The amount (if any) to which section 72(m)(5) (relating to penalties applicable to certain amounts received by owner-employees) applies.

76 Stat. 821.
26 USC 72.

"(c) AVERAGE BASE PERIOD INCOME.—For purposes of this part—

"(1) IN GENERAL.—The term 'average base period income' means one-fourth of the sum of the base period incomes for the base period.

"(2) BASE PERIOD INCOME.—The base period income for any taxable year is the taxable income for such year first increased and then decreased (but not below zero) in the following order:

"(A) Taxable income shall be increased by an amount equal to the excess of—

"(i) the amount excluded from gross income under section 911 (relating to earned income from sources without the United States) and subpart D of part III of subchapter N (sec. 931 and following, relating to income from sources within possessions of the United States), over

76 Stat. 1003.
26 USC 911.

"(ii) the deductions which would have been properly allocable to or chargeable against such amount but for the exclusion of such amount from gross income.

26 USC 931-934.

"(B) Taxable income shall be decreased by the capital gain net income.

"(C) If the decrease provided by paragraph (2) of subsection (b) applies to the computation year, the taxable income shall be decreased under the rules of such paragraph (2) (other than the limitation contained in subparagraph (C) thereof).

"(d) CAPITAL GAIN NET INCOME, ETC.—For purposes of this part—

"(1) CAPITAL GAIN NET INCOME.—The term 'capital gain net income' means the amount equal to 50 percent of the excess of the net long-term capital gain over the net short-term capital loss.

"(2) AVERAGE BASE PERIOD CAPITAL GAIN NET INCOME.—The term 'average base period capital gain net income' means one-fourth of the sum of the capital gain net incomes for the base period. For purposes of the preceding sentence, the capital gain net income for any base period year shall not exceed the base period income for such year computed without regard to subsection (c)(2)(B).

"(e) OTHER RELATED DEFINITIONS.—For purposes of this part—

"(1) COMPUTATION YEAR.—The term 'computation year' means the taxable year for which the taxpayer chooses the benefits of this part.

"(2) BASE PERIOD.—The term 'base period' means the 4 taxable years immediately preceding the computation year.

"(3) BASE PERIOD YEAR.—The term 'base period year' means any of the 4 taxable years immediately preceding the computation year.

"(4) JOINT RETURN.—The term 'joint return' means the return of a husband and wife made under section 6013.

68A Stat. 733.
26 USC 6013.

"SEC. 1303. ELIGIBLE INDIVIDUALS.

"(a) GENERAL RULE.—Except as otherwise provided in this section, for purposes of this part the term 'eligible individual' means any individual who is a citizen or resident of the United States throughout the computation year.

"(b) NONRESIDENT ALIEN INDIVIDUALS.—For purposes of this part, an individual shall not be an eligible individual for the computation

year if, at any time during such year or the base period, such individual was a nonresident alien.

“(c) **INDIVIDUALS RECEIVING SUPPORT FROM OTHERS.**—

“(1) **IN GENERAL.**—For purposes of this part, an individual shall not be an eligible individual for the computation year if, for any base period year, such individual (and his spouse) furnished less than one-half of his support.

“(2) **EXCEPTIONS.**—Paragraph (1) shall not apply to any computation year if—

“(A) such year ends after the individual attained age 25 and, during at least 4 of his taxable years beginning after he attained age 21 and ending with his computation year, he was not a full-time student,

“(B) more than one-half of the individual's adjusted taxable income for the computation year is attributable to work performed by him in substantial part during 2 or more of the base period years, or

“(C) the individual makes a joint return for the computation year and not more than 25 percent of the aggregate adjusted gross income of such individual and his spouse for the computation year is attributable to such individual.

In applying subparagraph (C), amounts which constitute earned income (within the meaning of section 911(b)) and are community income under community property laws applicable to such income shall be taken into account as if such amounts did not constitute community income.

“(d) **STUDENT DEFINED.**—For purposes of this section, the term ‘student’ means, with respect to a taxable year, an individual who during each of 5 calendar months during such taxable year—

“(1) was a full-time student at an educational institution (as defined in section 151(e)(4)); or

“(2) was pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational institution (as defined in section 151(e)(4)) or of a State or political subdivision of a State.

“**SEC. 1304. SPECIAL RULES.**

“(a) **TAXPAYER MUST CHOOSE BENEFITS.**—This part shall apply to the taxable year only if the taxpayer chooses to have the benefits of this part for such taxable year. Such choice may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for the taxable year.

“(b) **CERTAIN PROVISIONS INAPPLICABLE.**—If the taxpayer chooses the benefits of this part for the taxable year, the following provisions shall not apply to him for such year:

“(1) section 3 (relating to optional tax if adjusted gross income is less than \$5,000),

“(2) section 72(n)(2) (relating to limitation of tax in case of certain distributions with respect to contributions by self-employed individuals),

“(3) section 911 (relating to earned income from sources without the United States), and

“(4) subpart D of part III of subchapter N (sec. 931 and following, relating to income from sources within possessions of the United States).

“(c) **FAILURE OF CERTAIN MARRIED INDIVIDUALS TO MAKE JOINT RETURN, ETC.**—

“(1) **APPLICATION OF SUBSECTION.**—Paragraphs (2), (3), and (4) of this subsection shall apply in the case of any individual

76 Stat. 1003.
26 USC 911.

68A Stat. 42.
26 USC 151.

26 USC 3.
Post, p. 129.

76 Stat. 824.
26 USC 72.

26 USC 931-934.

who was married for any base period year or the computation year; except that—

“(A) such paragraphs shall not apply in respect of a base period year if—

“(i) such individual and his spouse make a joint return, or such individual makes a return as a surviving spouse (as defined in section 2(b)), for the computation year, and

68A Stat. 8.
26 USC 2.

“(ii) such individual was not married to any other spouse for such base period year, and

“(B) paragraph (4) shall not apply in respect of the computation year if the individual and his spouse make a joint return for such year.

“(2) MINIMUM BASE PERIOD INCOME.—For purposes of this part, the base period income of an individual for any base period year shall not be less than 50 percent of the base period income which would result from combining his income and deductions for such year—

“(A) with the income and deductions for such year of the individual who is his spouse for the computation year, or

“(B) if greater, with the income and deductions for such year of the individual who was his spouse for such base period year.

“(3) MINIMUM BASE PERIOD CAPITAL GAIN NET INCOME.—For purposes of this part, the capital gain net income of any individual for any base period year shall not be less than 50 percent of the capital gain net income which would result from combining his capital gain net income for such year (determined without regard to this paragraph) with the capital gain net income for such year (similarly determined) of the individual with whom he is required by paragraph (2) to combine his income and deductions for such year.

“(4) COMMUNITY INCOME ATTRIBUTABLE TO SERVICES.—In the case of amounts which constitute earned income (within the meaning of section 911(b)) and are community income under community property laws applicable to such income—

76 Stat. 1003.
26 USC 911.

“(A) the amount taken into account for any base period year for purposes of determining base period income shall not be less than the amount which would be taken into account if such amounts did not constitute community income, and

“(B) the amount taken into account for purposes of determining adjusted taxable income for the computation year shall not exceed the amount which would be taken into account if such amounts did not constitute community income.

“(5) MARITAL STATUS.—For purposes of this subsection, section 143 shall apply in determining whether an individual is married for any taxable year.

26 USC 143.

“(d) DOLLAR LIMITATIONS IN CASE OF JOINT RETURNS.—In the case of a joint return, the \$3,000 figure contained in section 1301 shall be applied to the aggregate averagable income, and the \$3,000 figure contained in section 1302(b) (2) (C) shall be applied to the aggregate net incomes.

Ante, p. 106.

“(e) SPECIAL RULES WHERE THERE ARE CAPITAL GAINS.—

“(1) TREATMENT OF CAPITAL GAINS IN COMPUTATION YEAR.—In the case of any taxpayer who has capital gain net income for the computation year, the tax imposed by section 1 for the computation year which is attributable to the amount of such net income shall be computed—

Ante, p. 19.
26 USC 1.

“(A) by adding so much of the amount thereof as does not exceed average base period capital gain net income above $133\frac{1}{3}$ percent of average base period income, and

“(B) by adding the remainder (if any) of such net income above the 20 percent of the averagable income as taken into account for purposes of computing the tax imposed by section 1 (and above the amounts (if any) referred to in subsection (f) (1)).

68A Stat. 5;
ante, p. 19.
26 USC 1.

26 USC 1201.

“(2) COMPUTATION OF ALTERNATIVE TAX.—In the case of any taxpayer who has capital gain net income for the computation year, section 1201(b) shall be treated as imposing a tax equal to the tax imposed by section 1, reduced by the amount (if any) by which—

“(A) the tax imposed by section 1 and attributable to the capital gain net income for the computation year (determined under paragraph (1)), exceeds

“(B) an amount equal to 25 percent of the excess of the net long-term capital gain over the net short-term capital loss.

“(f) TREATMENT OF CERTAIN OTHER ITEMS.—

“(1) GIFT OR WAGERING INCOME.—The tax imposed by section 1 for the computation year which is attributable to the amounts subtracted from taxable income under paragraphs (2) and (3) of section 1302(b) shall equal the increase in tax under section 1 which results from adding such amounts above the 20 percent of the averagable income as taken into account for purposes of computing the tax imposed thereon by section 1.

Ante, p. 106.

76 Stat. 821.
26 USC 72.

“(2) SECTION 72(m) (5).—Section 72(m) (5) (relating to penalties applicable to certain amounts received by owner-employees) shall be applied as if this part had not been enacted.

“(3) OTHER ITEMS.—Except as otherwise provided in this part, the order and manner in which items of income shall be taken into account in computing the tax imposed by this chapter on the income of any eligible individual to whom section 1301 applies for any computation year shall be determined under regulations prescribed by the Secretary or his delegate.

Ante, p. 106.

“(g) SHORT TAXABLE YEARS.—In the case of any computation year or base period year which is a short taxable year, this part shall be applied in the manner provided in regulations prescribed by the Secretary or his delegate.

“SEC. 1305. REGULATIONS.

“The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this part.”

Repeal.
26 USC 72.

(b) REPEAL OF SECTION 72(e) (3).—Section 72(e) (3) (relating to limit on tax attributable to receipt of lump sum) is hereby repealed.

Ante, p. 24.
26 USC 144.

(c) AMENDMENT OF SECTION 144.—Section 144 (relating to election of standard deduction) is amended by adding after subsection (c) (as added by 112(c) (2) of this Act) the following new subsection:

“(d) INDIVIDUALS ELECTING INCOME AVERAGING.—In the case of a taxpayer who chooses to have the benefits of part I of subchapter Q (relating to income averaging) for the taxable year—

“(1) subsection (a) shall not apply for such taxable year, and

“(2) the standard deduction shall be allowed if the taxpayer so elects in his return for such taxable year.

The Secretary or his delegate shall by regulations prescribe the manner of signifying such election in the return. If the taxpayer on making his return fails to signify, in the manner so prescribed, his election to take the standard deduction, such failure shall be considered his election not to take the standard deduction.”

(d) **STATUTE OF LIMITATIONS.**—Section 6511(d)(2)(B) (relating to special period of limitation with respect to net operating loss carrybacks) is amended to read as follows:

68A Stat. 808.
26 USC 6511.

“(B) **APPLICABLE RULES.**—

“(i) If the allowance of a credit or refund of an overpayment of tax attributable to a net operating loss carryback is otherwise prevented by the operation of any law or rule of law other than section 7122, relating to compromises, such credit or refund may be allowed or made, if claim therefor is filed within the period provided in subparagraph (A) of this paragraph. If the allowance of an application, credit, or refund of a decrease in tax determined under section 6411(b) is otherwise prevented by the operation of any law or rule of law other than section 7122, such application, credit, or refund may be allowed or made if application for a tentative carryback adjustment is made within the period provided in section 6411(a). In the case of any such claim for credit or refund or any such application for a tentative carryback adjustment, the determination by any court, including the Tax Court, in any proceeding in which the decision of the court has become final, shall be conclusive except with respect to the net operating loss deduction, and the effect of such deduction, to the extent that such deduction is affected by a carryback which was not in issue in such proceeding.

26 USC 7122.

26 USC 6411.

“(ii) A claim for credit or refund for a computation year (as defined in section 1302(e)(1)) shall be determined to relate to an overpayment attributable to a net operating loss carryback when such carryback relates to any base period year (as defined in section 1302(e)(3)).”

Ante, p. 107.

(e) **TECHNICAL AMENDMENTS.**—The following provisions are amended by striking out “except that section 72(e)(3) shall not apply”:

Ante, p. 110.

(1) The first sentence of section 402(a)(1) (relating to general rule for taxability of beneficiary of exempt trust).

26 USC 402.

(2) The second sentence of section 402(b) (relating to taxability of beneficiary of non-exempt trust).

(3) The second sentence of section 402(d) (relating to certain employees' annuities).

(4) Section 403(a)(1) (relating to the general rule for taxability of a beneficiary under a qualified annuity plan).

26 USC 403.

(5) The second sentence of section 403(b)(1) (relating to general rule for taxability of beneficiary, etc.).

(6) The second sentence of section 403(c) (relating to taxability of beneficiary under a nonqualified annuity).

(f) **CLERICAL AMENDMENTS.**—

(1) Subsection (f) of section 4 (relating to cross references to rules for optional tax) is amended by adding at the end thereof the following new paragraph:

26 USC 4.
Post, p. 140.

“(3) For rule that optional tax is not to apply if individual chooses the benefits of income averaging, see section 1304(b).”

(2) Subsection (b) of section 5 (relating to cross references to special limitations on tax) is amended to read as follows:

26 USC 5.

“(b) SPECIAL LIMITATIONS ON TAX.—

“(1) For limitation on surtax attributable to sales of oil or gas properties, see section 632.

“(2) For limitation on tax in case of income of members of Armed Forces on death, see section 692.

“(3) For limitation on tax where an individual chooses the benefits of income averaging, see section 1301.

“(4) For computation of tax where taxpayer restores substantial amount held under claim of right, see section 1341.

“(5) For limitation on surtax attributable to claims against the United States involving acquisitions of property, see section 1347.”

(3) The table of parts for subchapter Q of chapter 1 is amended by striking out

“Part I. Income attributable to several taxable years.”

and inserting in lieu thereof

“Part I. Income averaging.”

(g) EFFECTIVE DATE.—

(1) GENERAL RULE.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to taxable years beginning after December 31, 1963.

(2) INCOME FROM AN EMPLOYMENT.—If, in a taxable year beginning after December 31, 1963, an individual or partnership receives or accrues compensation from an employment (as defined by section 1301(b) of the Internal Revenue Code of 1954 as in effect immediately before the enactment of this Act) and the employment began before February 6, 1963, the tax attributable to such compensation may, at the election of the taxpayer, be computed under the provisions of sections 1301 and 1307 of such Code as in effect immediately before the enactment of this Act. If a taxpayer so elects (at such time and in such manner as the Secretary of the Treasury or his delegate by regulations prescribes), he may not choose for such taxable year the benefits provided by part I of subchapter Q of chapter 1 of such Code (relating to income averaging) as amended by this Act and (if he elects to have subsection (e) of such section 1307 apply) section 170(b)(5) of such Code as amended by this Act shall not apply to charitable contributions paid in such taxable year.

68A Stat. 334.
26 USC 1301.

Ante, p. 105.

76 Stat. 1064.
26 USC 1307.
Ante, p. 45.
26 USC 170.

72 Stat. 1650;
73 Stat. 699.
26 USC 1371.

SEC. 233. SMALL BUSINESS CORPORATIONS.

(a) OWNERSHIP OF CERTAIN STOCK DISREGARDED.—Section 1371 (relating to definition of small business corporation) is amended by adding at the end thereof the following new subsection:

“(d) OWNERSHIP OF CERTAIN STOCK.—For purposes of subsection (a), a corporation shall not be considered a member of an affiliated group at any time during any taxable year by reason of the ownership of stock in another corporation if such other corporation—

“(1) has not begun business at any time on or after the date of its incorporation and before the close of such taxable year, and

“(2) does not have taxable income for the period included within such taxable year.”

(b) CERTAIN DISTRIBUTIONS OF MONEY AFTER CLOSE OF TAXABLE YEAR.—Section 1375 (relating to special rules applicable to distributions of electing small business corporations) is amended by adding at the end thereof the following new subsection:

“(e) CERTAIN DISTRIBUTIONS AFTER CLOSE OF TAXABLE YEAR.—

“(1) IN GENERAL.—For purposes of this chapter, if—

“(A) a corporation makes a distribution of money to its shareholders on or before the 15th day of the third month

26 USC 1375.

following the close of a taxable year with respect to which it was an electing small business corporation, and

“(B) such distribution is made pursuant to a resolution of the board of directors of the corporation, adopted before the close of such taxable year, to distribute to its shareholders all or a part of the proceeds of one or more sales of capital assets, or of property described in section 1231(b), made during such taxable year,

68A Stat. 325.
26 USC 1231.

such distribution shall, at the election of the corporation, be treated as a distribution of money made on the last day of such taxable year.

“(2) **SHAREHOLDERS.**—An election under paragraph (1) with respect to any distribution may be made by a corporation only if each person who is a shareholder on the day the distribution is received—

“(A) owns the same proportion of the stock of the corporation on such day as he owned on the last day of the taxable year of the corporation preceding the distribution, and

“(B) consents to such election at such time and in such manner as the Secretary or his delegate shall prescribe by regulations.

“(3) **MANNER AND TIME OF ELECTION.**—An election under paragraph (1) shall be made in such manner as the Secretary or his delegate shall prescribe by regulations. Such election shall be made not later than the time prescribed by law for filing the return for the taxable year during which the sale was made (including extensions thereof) except that, with respect to any taxable year ending on or before the date of the enactment of the Revenue Act of 1964, such election shall be made within 120 days after such date.”

(c) **EFFECTIVE DATES.**—The amendment made by subsection (a) shall apply with respect to taxable years of corporations beginning after December 31, 1962. The amendment made by subsection (b) shall apply with respect to taxable years of corporations beginning after December 31, 1957.

SEC. 234. REPEAL OF ADDITIONAL 2-PERCENT TAX FOR CORPORATIONS FILING CONSOLIDATED RETURNS.

(a) **REPEAL OF TAX.**—Subsection (a) of section 1503 (relating to computation and payment of tax in case of consolidated returns) is amended to read as follows:

26 USC 1503.

“(a) **GENERAL RULE.**—In any case in which a consolidated return is made or is required to be made, the tax shall be determined, computed, assessed, collected, and adjusted in accordance with the regulations under section 1502 prescribed before the last day prescribed by law for the filing of such return.”

26 USC 1502.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) Section 1503 is amended by striking out subsections (b) and (c) and by relettering subsection (d) as subsection (b).

(2) Paragraph (3) of section 1503(b) (as relettered by paragraph (1)) is amended to read as follows:

“(3) **SPECIAL RULES.**—

“(A) For purposes of paragraph (2), a corporation is a regulated public utility only if it is a regulated public utility within the meaning of subparagraph (A) (other than clauses (ii) and (iii) thereof) or (D) of section 7701(a)(33). For purposes of the preceding sentence, the limitation contained in the last two sentences of section 7701(a)(33) shall be applied as if subparagraphs (A) through (F), inclusive, of section 7701(a)(33) were limited to subparagraphs (A)(i) and (D) thereof.

Post, p. 114.
26 USC 7701.

“(B) For purposes of paragraph (2), the foreign countries referred to in this subparagraph include only any country from which any public utility referred to in the first sentence of paragraph (2) derives the principal part of its income.

“(C) For purposes of this subsection, the term ‘consolidated taxable income’ means the consolidated taxable income computed without regard to the deduction provided by section 242 for partially tax-exempt interest.”

(3) Section 7701(a) (relating to definitions) is amended by adding at the end thereof the following new paragraph:

“(33) REGULATED PUBLIC UTILITY.—The term ‘regulated public utility’ means—

“(A) A corporation engaged in the furnishing or sale of—

“(i) electric energy, gas, water, or sewerage disposal services, or

“(ii) transportation (not included in subparagraph (C)) on an intrastate, suburban, municipal, or interurban electric railroad, on an intrastate, municipal, or suburban trackless trolley system, or on a municipal or suburban bus system, or

“(iii) transportation (not included in clause (ii)) by motor vehicle—

if the rates for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof, by an agency or instrumentality of the United States, by a public service or public utility commission or other similar body of the District of Columbia or of any State or political subdivision thereof, or by a foreign country or an agency or instrumentality or political subdivision thereof.

“(B) A corporation engaged as a common carrier in the furnishing or sale of transportation of gas by pipe line, if subject to the jurisdiction of the Federal Power Commission.

“(C) A corporation engaged as a common carrier (i) in the furnishing or sale of transportation by railroad, if subject to the jurisdiction of the Interstate Commerce Commission, or (ii) in the furnishing or sale of transportation of oil or other petroleum products (including shale oil) by pipe line, if subject to the jurisdiction of the Interstate Commerce Commission or if the rates for such furnishing or sale are subject to the jurisdiction of a public service or public utility commission or other similar body of the District of Columbia or of any State.

“(D) A corporation engaged in the furnishing or sale of telephone or telegraph service, if the rates for such furnishing or sale meet the requirements of subparagraph (A).

“(E) A corporation engaged in the furnishing or sale of transportation as a common carrier by air, subject to the jurisdiction of the Civil Aeronautics Board.

“(F) A corporation engaged in the furnishing or sale of transportation by common carrier by water, subject to the jurisdiction of the Interstate Commerce Commission under part III of the Interstate Commerce Act, or subject to the jurisdiction of the Federal Maritime Board under the Intercoastal Shipping Act, 1933.

“(G) A railroad corporation subject to part I of the Interstate Commerce Act, if (i) substantially all of its railroad

68A Stat. 72.
26 USC 242.
26 USC 7701.

54 Stat. 929.
49 USC 901.
47 Stat. 1425.
46 USC 848.

24 Stat. 379.
49 USC 1 et
seq.

properties have been leased to another such railroad corporation or corporations by an agreement or agreements entered into before January 1, 1954, (ii) each lease is for a term of more than 20 years, and (iii) at least 80 percent or more of its gross income (computed without regard to dividends and capital gains and losses) for the taxable year is derived from such leases and from sources described in subparagraphs (A) through (F), inclusive. For purposes of the preceding sentence, an agreement for lease of railroad properties entered into before January 1, 1954, shall be considered to be a lease including such term as the total number of years of such agreement may, unless sooner terminated, be renewed or continued under the terms of the agreement, and any such renewal or continuance under such agreement shall be considered part of the lease entered into before January 1, 1954.

“(H) A common parent corporation which is a common carrier by railroad subject to part I of the Interstate Commerce Act if at least 80 percent of its gross income (computed without regard to capital gains or losses) is derived directly or indirectly from sources described in subparagraphs (A) through (F), inclusive. For purposes of the preceding sentence, dividends and interest, and income from leases described in subparagraph (G), received from a regulated public utility shall be considered as derived from sources described in subparagraphs (A) through (F), inclusive, if the regulated public utility is a member of an affiliated group (as defined in section 1504) which includes the common parent corporation.

24 Stat. 379.
49 USC 1 et
seq.

68A Stat. 369.
26 USC 1504.

The term ‘regulated public utility’ does not (except as provided in subparagraphs (G) and (H)) include a corporation described in subparagraphs (A) through (F), inclusive, unless 80 percent or more of its gross income (computed without regard to dividends and capital gains and losses) for the taxable year is derived from sources described in subparagraphs (A) through (F), inclusive. If the taxpayer establishes to the satisfaction of the Secretary or his delegate that (i) its revenue from regulated rates described in subparagraph (A) or (D) and its revenue derived from unregulated rates are derived from the operation of a single interconnected and coordinated system or from the operation of more than one such system, and (ii) the unregulated rates have been and are substantially as favorable to users and consumers as are the regulated rates, then such revenue from such unregulated rates shall be considered, for purposes of the preceding sentence, as income derived from sources described in subparagraph (A) or (D).”

(4) Section 12(8) (relating to cross reference to additional tax for corporations filing consolidated returns) is hereby repealed.

Repeal.
26 USC 12.

(5) Paragraphs (1) and (2) of section 172(j) (relating to carryover of net operating loss for certain regulated transportation corporations) are amended to read as follows:

76 Stat. 649.
26 USC 172.

“(1) DEFINITION.—For purposes of subsection (b) (1) (C), the term ‘regulated transportation corporation’ means a corporation—

“(A) 80 percent or more of the gross income of which (computed without regard to dividends and capital gains and losses) for the taxable year is derived from the furnishing or sale of transportation described in subparagraph (A), (C) (i), (E), or (F) of section 7701(a) (33) and taken into account for purposes of the limitation contained in the last two sentences of section 7701(a) (33),

Ante, p. 114.
26 USC 7701.

Ante, p. 114.
26 USC 7701.

“(B) which is described in subparagraph (G) or (H) of section 7701(a) (33), or

“(C) which is a member of a regulated transportation system.

“(2) **REGULATED TRANSPORTATION SYSTEM.**—For purposes of this subsection, a corporation shall be treated as a member of a regulated transportation system for a taxable year if—

“(A) it is a member of an affiliated group of corporations making a consolidated return for such taxable year, and

“(B) 80 percent or more of the aggregate gross income of the members of such affiliated group (computed without regard to dividends and capital gains and losses) for such taxable year is derived from sources described in paragraph (1) (A).

For purposes of subparagraph (B), income derived by a corporation described in subparagraph (G) or (H) of section 7701(a) (33) from leases described in subparagraph (G) thereof shall be considered as derived from sources described in paragraph (1) (A).”

76 Stat. 1031.
26 USC 904.

(6) Section 904(g) (2) (relating to cross references for purposes of the limitation on the foreign tax credit) is amended by striking out “section 1503(d)” and inserting in lieu thereof “section 1503(b)”.

68A Stat. 348.
26 USC 1341.

(7) Section 1341(b) (2) (relating to special rules for the computation of tax where taxpayer restores substantial amount held under claim of right) is amended by striking out “(as defined in section 1503(c) without regard to paragraph (2) thereof)” and inserting in lieu thereof “(as defined in section 7701(a) (33) without regard to the limitation contained in the last two sentences thereof)”.

26 USC 1552.

(8) Section 1552(a) (3) (relating to the allocation of tax liability among members of an affiliated group of corporations filing consolidated returns) is amended by striking out “(determined without regard to the 2 percent increase provided by section 1503(a))”.

Ante, p. 113.
26 USC 1503.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply with respect to taxable years beginning after December 31, 1963.

SEC. 235. REDUCTION OF SURTAX EXEMPTION IN CASE OF CERTAIN CONTROLLED CORPORATIONS, ETC.

(a) **IN GENERAL.**—Subchapter B of chapter 6 (related rules for consolidated returns) is amended by adding at the end thereof the following new part:

“PART II—CERTAIN CONTROLLED CORPORATIONS

“Sec. 1561. Surtax exemptions in case of certain controlled corporations.

“Sec. 1562. Privilege of groups to elect multiple surtax exemptions.

“Sec. 1563. Definitions and special rules.

“SEC. 1561. SURTAX EXEMPTIONS IN CASE OF CERTAIN CONTROLLED CORPORATIONS.

“(a) **GENERAL RULE.**—If a corporation is a component member of a controlled group of corporations on a December 31, then for purposes of this subtitle the surtax exemption of such corporation for the taxable year which includes such December 31 shall be an amount equal to—

“(1) \$25,000 divided by the number of corporations which are component members of such group on such December 31, or

“(2) if all such component members consent (at such time and

in such manner as the Secretary or his delegate shall by regulations prescribe) to an apportionment plan, such portion of \$25,000 as is apportioned to such member in accordance with such plan. The sum of the amounts apportioned under paragraph (2) among the component members of any controlled group shall not exceed \$25,000.

“(b) **CERTAIN SHORT TAXABLE YEARS.**—If a corporation—

“(1) has a short taxable year which does not include a December 31, and

“(2) is a component member of a controlled group of corporations with respect to such taxable year,

then for purposes of this subtitle the surtax exemption of such corporation for such taxable year shall be an amount equal to \$25,000 divided by the number of corporations which are component members of such group on the last day of such taxable year. For purposes of the preceding sentence, section 1563(b) shall be applied as if such last day were substituted for December 31.

Post, p. 120.

“SEC. 1562. PRIVILEGE OF GROUPS TO ELECT MULTIPLE SURTAX EXEMPTIONS.

“(a) **ELECTION OF MULTIPLE SURTAX EXEMPTIONS.**—

“(1) **IN GENERAL.**—A controlled group of corporations shall (subject to the provisions of this section) have the privilege of electing to have each of its component members make its returns without regard to section 1561. Such election shall be made with respect to a specified December 31 and shall be valid only if—

Ante, p. 116.

“(A) each corporation which is a component member of such group on such December 31, and

“(B) each other corporation which is a component member of such group on any succeeding December 31 before the day on which the election is filed,

consents to such election.

“(2) **YEARS FOR WHICH EFFECTIVE.**—An election by a controlled group of corporations under paragraph (1) shall be effective with respect to the taxable year of each component member of such group which includes the specified December 31, and each taxable year of each corporation which is a component member of such group (or a successor group) on a succeeding December 31 included within such taxable year, unless the election is terminated under subsection (c).

“(3) **EFFECT OF ELECTION.**—If an election by a controlled group of corporations under paragraph (1) is effective with respect to any taxable year of a corporation—

“(A) section 1561 shall not apply to such corporation for such taxable year, but

“(B) the additional tax imposed by subsection (b) shall apply to such corporation for such taxable year.

“(b) **ADDITIONAL TAX IMPOSED.**—

“(1) **GENERAL RULE.**—If an election under subsection (a)(1) by a controlled group of corporations is effective with respect to the taxable year of a corporation, there is hereby imposed for such taxable year on the taxable income of such corporation a tax equal to 6 percent of so much of such corporation's taxable income for such taxable year as does not exceed \$25,000. This paragraph shall not apply to the taxable year of a corporation if—

“(A) such corporation is the only component member of such controlled group on the December 31 included in such corporation's taxable year which has taxable income for a taxable year including such December 31, or

“(B) such corporation’s surtax exemption is disallowed for such taxable year under any provision of this subtitle.

Ante, p. 25.
26 USC 11.

“(2) TAX TREATED AS IMPOSED BY SECTION 11, ETC.—If for the taxable year of a corporation a tax is imposed by section 11 on the taxable income of such corporation, the additional tax imposed by this subsection shall be treated for purposes of this title as a tax imposed by section 11. If for the taxable year of a corporation a tax is imposed on the taxable income of such corporation which is computed under any other section by reference to section 11, the additional tax imposed by this subsection shall be treated for purposes of this title as imposed by such other section.

“(3) TAXABLE INCOME DEFINED.—For purposes of this subsection, the term ‘taxable income’ means—

68A Stat. 169,
170,
26 USC 511, 512.

“(A) in the case of a corporation subject to tax under section 511, its unrelated business taxable income (within the meaning of section 512);

73 Stat. 115,
26 USC 802.

“(B) in the case of a life insurance company, its life insurance company taxable income (within the meaning of section 802(b));

26 USC 852.

“(C) in the case of a regulated investment company, its investment company taxable income (within the meaning of section 852(b)(2)); and

74 Stat. 1006,
26 USC 857.

“(D) in the case of a real estate investment trust, its real estate investment trust taxable income (within the meaning of section 857(b)(2)).

Ante, p. 55.
26 USC 244,
26 USC 247,
73 Stat. 116,
26 USC 804,
26 USC 922.

“(4) SPECIAL RULES.—If for the taxable year an additional tax is imposed on the taxable income of a corporation by this subsection, then sections 244 (relating to dividends received on certain preferred stock), 247 (relating to dividends paid on certain preferred stock of public utilities), 804(a)(3) (relating to deduction for partially tax-exempt interest in the case of a life insurance company), and 922 (relating to special deduction for Western Hemisphere trade corporations) shall be applied without regard to the additional tax imposed by this subsection.

“(c) TERMINATION OF ELECTION.—An election by a controlled group of corporations under subsection (a) shall terminate with respect to such group—

“(1) CONSENT OF THE MEMBERS.—If such group files a termination of such election with respect to a specified December 31, and—

“(A) each corporation which is a component member of such group on such December 31, and

“(B) each other corporation which is a component member of such group on any succeeding December 31 before the day on which the termination is filed,
consents to such termination.

“(2) REFUSAL BY NEW MEMBER TO CONSENT.—If on December 31 of any year such group includes a component member which—

“(A) on the immediately preceding January 1 was not a member of such group, and

“(B) within the time and in the manner provided by regulations prescribed by the Secretary or his delegate, files a statement that it does not consent to the election.

“(3) CONSOLIDATED RETURNS.—If—

“(A) a corporation is a component member (determined without regard to section 1563(b)(3)) of such group on a December 31 included within a taxable year ending on or after January 1, 1964, and

Post, pp. 120,
121.

“(B) such corporation is a member of an affiliated group of corporations which makes a consolidated return under this chapter (sec. 1501 and following) for such taxable year.

26 USC 1501 et seq.

“(4) CONTROLLED GROUP NO LONGER IN EXISTENCE.—If such group is considered as no longer in existence with respect to any December 31.

Such termination shall be effective with respect to the December 31 referred to in paragraph (1)(A), (2), (3), or (4), as the case may be.

“(d) ELECTION AFTER TERMINATION.—If an election by a controlled group of corporations is terminated under subsection (c), such group (and any successor group) shall not be eligible to make an election under subsection (a) with respect to any December 31 before the sixth December 31 after the December 31 with respect to which such termination was effective.

“(e) MANNER AND TIME OF GIVING CONSENT AND MAKING ELECTION, ETC.—An election under subsection (a)(1) or a termination under subsection (c)(1) (and the consent of each member of a controlled group of corporations which is required with respect to such election or termination) shall be made in such manner as the Secretary or his delegate shall by regulations prescribe, and shall be made at any time before the expiration of 3 years after—

“(1) in the case of such an election, the date when the income tax return for the taxable year of the component member of the controlled group which has the taxable year ending first on or after the specified December 31 is required to be filed (without regard to any extensions of time), and

“(2) in the case of such a termination, the specified December 31 with respect to which such termination was made.

Any consent to such an election or termination, and a failure by a component member to file a statement that it does not consent to an election under this section, shall be deemed to be a consent to the application of subsection (g)(1) (relating to tolling of statute of limitations on assessment of deficiencies).

“(f) SPECIAL RULES.—For purposes of this section—

“(1) CONTINUING AND SUCCESSOR CONTROLLED GROUPS.—The determination of whether a controlled group of corporations—

“(A) is considered as no longer in existence with respect to any December 31, or

“(B) is a successor to another controlled group of corporations (and the effect of such determination with respect to any election or termination),

shall be made under regulations prescribed by the Secretary or his delegate. For purposes of subparagraph (B), such regulations shall be based on the continuation (or termination) of predominant equitable ownership.

“(2) CERTAIN SHORT TAXABLE YEARS.—If one or more corporations have short taxable years which do not include a December 31 and are component members of a controlled group of corporations with respect to such taxable years (determined by applying section 1563(b) as if the last day of each such taxable year were substituted for December 31), then an election by such group under this section shall apply with respect to such corporations with respect to such taxable years if—

Post, pp. 120, 121.

“(A) such election is in effect with respect to both the December 31 immediately preceding such taxable years and the December 31 immediately succeeding such taxable years, or

“(B) such election is in effect with respect to the December 31 immediately preceding or succeeding such taxable

years and each such corporation files a consent to the application of such election to its short taxable year at such time and in such manner as the Secretary or his delegate shall prescribe by regulations.

“(g) **TOLLING OF STATUTE OF LIMITATIONS.**—In any case in which a controlled group of corporations makes an election or termination under this section, the statutory period—

“(1) for assessment of any deficiency against a corporation which is a component member of such group for any taxable year, to the extent such deficiency is attributable to the application of this part, shall not expire before the expiration of one year after the date such election or termination is made; and

“(2) for allowing or making credit or refund of any overpayment of tax by a corporation which is a component member of such group for any taxable year, to the extent such credit or refund is attributable to the application of this part, shall not expire before the expiration of one year after the date such election or termination is made.

“SEC. 1563. DEFINITIONS AND SPECIAL RULES.

“(a) **CONTROLLED GROUP OF CORPORATIONS.**—For purposes of this part, the term ‘controlled group of corporations’ means any group of—

“(1) **PARENT-SUBSIDIARY CONTROLLED GROUP.**—One or more chains of corporations connected through stock ownership with a common parent corporation if—

“(A) stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of stock of each of the corporations, except the common parent corporation, is owned (within the meaning of subsection (d) (1)) by one or more of the other corporations; and

“(B) the common parent corporation owns (within the meaning of subsection (d) (1)) stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of stock of at least one of the other corporations, excluding, in computing such voting power or value, stock owned directly by such other corporations.

“(2) **BROTHER-SISTER CONTROLLED GROUP.**—Two or more corporations if stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of stock of each of the corporations is owned (within the meaning of subsection (d) (2)) by one person who is an individual, estate, or trust.

“(3) **COMBINED GROUP.**—Three or more corporations each of which is a member of a group of corporations described in paragraph (1) or (2), and one of which—

“(A) is a common parent corporation included in a group of corporations described in paragraph (1), and also

“(B) is included in a group of corporations described in paragraph (2).

“(4) **CERTAIN INSURANCE COMPANIES.**—Two or more insurance companies subject to taxation under section 802 which are members of a controlled group of corporations described in paragraph (1), (2), or (3). Such insurance companies shall be treated as a controlled group of corporations separate from any other corporations which are members of the controlled group of corporations described in paragraph (1), (2), or (3).

“(b) COMPONENT MEMBER.—

“(1) GENERAL RULE.—For purposes of this part, a corporation is a component member of a controlled group of corporations on a December 31 of any taxable year (and with respect to the taxable year which includes such December 31) if such corporation—

“(A) is a member of such controlled group of corporations on the December 31 included in such year and is not treated as an excluded member under paragraph (2), or

“(B) is not a member of such controlled group of corporations on the December 31 included in such year but is treated as an additional member under paragraph (3).

“(2) EXCLUDED MEMBERS.—A corporation which is a member of a controlled group of corporations on December 31 of any taxable year shall be treated as an excluded member of such group for the taxable year including such December 31 if such corporation—

“(A) is a member of such group for less than one-half the number of days in such taxable year which precede such December 31,

“(B) is exempt from taxation under section 501(a) (except a corporation which is subject to tax on its unrelated business taxable income under section 511) for such taxable year,

“(C) is a foreign corporation subject to tax under section 881 for such taxable year,

“(D) is an insurance company subject to taxation under section 802 or section 821 (other than an insurance company which is a member of a controlled group described in subsection (a) (4)), or

“(E) is a franchised corporation, as defined in subsection (f) (4).

“(3) ADDITIONAL MEMBERS.—A corporation which—

“(A) was a member of a controlled group of corporations at any time during a calendar year,

“(B) is not a member of such group on December 31 of such calendar year, and

“(C) is not described, with respect to such group, in subparagraph (B), (C), (D), or (E) of paragraph (2), shall be treated as an additional member of such group on December 31 for its taxable year including such December 31 if it was a member of such group for one-half (or more) of the number of days in such taxable year which precede such December 31.

“(4) OVERLAPPING GROUPS.—If a corporation is a component member of more than one controlled group of corporations with respect to any taxable year, such corporation shall be treated as a component member of only one controlled group. The determination as to the group of which such corporation is a component member shall be made under regulations prescribed by the Secretary or his delegate which are consistent with the purposes of this part.

“(c) CERTAIN STOCK EXCLUDED.—

“(1) GENERAL RULE.—For purposes of this part, the term ‘stock’ does not include—

“(A) nonvoting stock which is limited and preferred as to dividends,

“(B) treasury stock, and

“(C) stock which is treated as ‘excluded stock’ under paragraph (2).

68A Stat. 163,
169.
26 USC 501, 511.

26 USC 881.

73 Stat. 115;
76 Stat. 989.
26 USC 802, 821.

“(2) STOCK TREATED AS ‘EXCLUDED STOCK’.—

“(A) PARENT-SUBSIDIARY CONTROLLED GROUP.—For purposes of subsection (a) (1), if a corporation (referred to in this paragraph as ‘parent corporation’) owns (within the meaning of subsections (d) (1) and (e) (4)), 50 percent or more of the total combined voting power of all classes of stock entitled to vote or 50 percent or more of the total value of shares of all classes of stock in another corporation (referred to in this paragraph as ‘subsidiary corporation’), the following stock of the subsidiary corporation shall be treated as excluded stock—

“(i) stock in the subsidiary corporation held by a trust which is part of a plan of deferred compensation for the benefit of the employees of the parent corporation or the subsidiary corporation,

“(ii) stock in the subsidiary corporation owned by an individual (within the meaning of subsection (d) (2)) who is a principal stockholder or officer of the parent corporation. For purposes of this clause, the term ‘principal stockholder’ of a corporation means an individual who owns (within the meaning of subsection (d) (2)) 5 percent or more of the total combined voting power of all classes of stock entitled to vote or 5 percent or more of the total value of shares of all classes of stock in such corporation, or

“(iii) stock in the subsidiary corporation owned (within the meaning of subsection (d) (2)) by an employee of the subsidiary corporation if such stock is subject to conditions which run in favor of such parent (or subsidiary) corporation and which substantially restrict or limit the employee’s right (or if the employee constructively owns such stock, the direct owner’s right) to dispose of such stock.

“(B) BROTHER-SISTER CONTROLLED GROUP.—For purposes of subsection (a) (2), if a person who is an individual, estate, or trust (referred to in this paragraph as ‘common owner’) owns (within the meaning of subsection (d) (2)), 50 percent or more of the total combined voting power of all classes of stock entitled to vote or 50 percent or more of the total value of shares of all classes of stock in a corporation, the following stock of such corporation shall be treated as excluded stock—

“(i) stock in such corporation held by an employees’ trust described in section 401(a) which is exempt from tax under section 501(a), if such trust is for the benefit of the employees of such corporation, or

“(ii) stock in such corporation owned (within the meaning of subsection (d) (2)) by an employee of the corporation if such stock is subject to conditions which run in favor of such common owner (or such corporation) and which substantially restrict or limit the employee’s right (or if the employee constructively owns such stock, the direct owner’s right) to dispose of such stock. If a condition which limits or restricts the employee’s right (or the direct owner’s right) to dispose of such stock also applies to the stock held by the common owner pursuant to a bona fide reciprocal stock purchase arrangement, such condition shall not be treated as one which restricts or limits the employee’s right to dispose of such stock.

“(d) RULES FOR DETERMINING STOCK OWNERSHIP.—

“(1) PARENT-SUBSIDIARY CONTROLLED GROUP.—For purposes of determining whether a corporation is a member of a parent-sub-sidiary controlled group of corporations (within the meaning of subsection (a) (1)), stock owned by a corporation means—

“(A) stock owned directly by such corporation, and

“(B) stock owned with the application of subsection (e) (1).

“(2) BROTHER-SISTER CONTROLLED GROUP.—For purposes of determining whether a corporation is a member of a brother-sister controlled group of corporations (within the meaning of subsection (a) (2)), stock owned by a person who is an individual, estate, or trust means—

“(A) stock owned directly by such person, and

“(B) stock owned with the application of subsection (e).

“(e) CONSTRUCTIVE OWNERSHIP.—

“(1) OPTIONS.—If any person has an option to acquire stock, such stock shall be considered as owned by such person. For purposes of this paragraph, an option to acquire such an option, and each one of a series of such options, shall be considered as an option to acquire such stock.

“(2) ATTRIBUTION FROM PARTNERSHIPS.—Stock owned, directly or indirectly, by or for a partnership shall be considered as owned by any partner having an interest of 5 percent or more in either the capital or profits of the partnership in proportion to his interest in capital or profits, whichever such proportion is the greater.

“(3) ATTRIBUTION FROM ESTATES OR TRUSTS.—

“(A) Stock owned, directly or indirectly, by or for an estate or trust shall be considered as owned by any beneficiary who has an actuarial interest of 5 percent or more in such stock, to the extent of such actuarial interest. For purposes of this subparagraph, the actuarial interest of each beneficiary shall be determined by assuming the maximum exercise of discretion by the fiduciary in favor of such beneficiary and the maximum use of such stock to satisfy his rights as a beneficiary.

“(B) Stock owned, directly or indirectly, by or for any portion of a trust of which a person is considered the owner under subpart E of part I of subchapter J (relating to grantors and others treated as substantial owners) shall be considered as owned by such person.

“(C) This paragraph shall not apply to stock owned by any employees' trust described in section 401(a) which is exempt from tax under section 501(a).

“(4) ATTRIBUTION FROM CORPORATIONS.—Stock owned, directly or indirectly, by or for a corporation shall be considered as owned by any person who owns (within the meaning of subsection (d)) 5 percent or more in value of its stock in that proportion which the value of the stock which such person so owns bears to the value of all the stock in such corporation.

“(5) SPOUSE.—An individual shall be considered as owning stock in a corporation owned, directly or indirectly, by or for his spouse (other than a spouse who is legally separated from the individual under a decree of divorce whether interlocutory or final, or a decree of separate maintenance), except in the case of a corporation with respect to which each of the following conditions is satisfied for its taxable year—

68A Stat. 226.
26 USC 671-678.

68A Stat. 134,
163; 76 Stat. 809.
26 USC 401, 501.

"(A) The individual does not, at any time during such taxable year, own directly any stock in such corporation;

"(B) The individual is not a director or employee and does not participate in the management of such corporation at any time during such taxable year;

"(C) Not more than 50 percent of such corporation's gross income for such taxable year was derived from royalties, rents, dividends, interest, and annuities; and

"(D) Such stock in such corporation is not, at any time during such taxable year, subject to conditions which substantially restrict or limit the spouse's right to dispose of such stock and which run in favor of the individual or his children who have not attained the age of 21 years.

"(6) CHILDREN, GRANDCHILDREN, PARENTS, AND GRANDPARENTS.—

"(A) MINOR CHILDREN.—An individual shall be considered as owning stock owned, directly or indirectly, by or for his children who have not attained the age of 21 years, and, if the individual has not attained the age of 21 years, the stock owned, directly or indirectly, by or for his parents.

"(B) ADULT CHILDREN AND GRANDCHILDREN.—An individual who owns (within the meaning of subsection (d) (2), but without regard to this subparagraph) more than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of shares of all classes of stock in a corporation shall be considered as owning the stock in such corporation owned, directly or indirectly, by or for his parents, grandparents, grandchildren, and children who have attained the age of 21 years.

"(C) ADOPTED CHILD.—For purposes of this section, a legally adopted child of an individual shall be treated as a child of such individual by blood.

"(f) OTHER DEFINITIONS AND RULES.—

"(1) EMPLOYEE DEFINED.—For purposes of this section the term 'employee' has the same meaning such term is given in section 3306(i).

"(2) OPERATING RULES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), stock constructively owned by a person by reason of the application of paragraph (1), (2), (3), (4), (5), or (6) of subsection (e) shall, for purposes of applying such paragraphs, be treated as actually owned by such person.

"(B) MEMBERS OF FAMILY.—Stock constructively owned by an individual by reason of the application of paragraph (5) or (6) of subsection (e) shall not be treated as owned by him for purposes of again applying such paragraphs in order to make another the constructive owner of such stock.

"(3) SPECIAL RULES.—For purposes of this section—

"(A) If stock may be considered as owned by a person under subsection (e) (1) and under any other paragraph of subsection (e), it shall be considered as owned by him under subsection (e) (1).

"(B) If stock is owned (within the meaning of subsection (d)) by two or more persons, such stock shall be considered as owned by the person whose ownership of such stock results in the corporation being a component member of a controlled group. If by reason of the preceding sentence, a corporation would (but for this sentence) become a component member of two controlled groups, it shall be treated as a component member of one controlled group. The determination as to

the group of which such corporation is a component member shall be made under regulations prescribed by the Secretary or his delegate which are consistent with the purposes of this part.

“(C) If stock is owned by a person within the meaning of subsection (d) and such ownership results in the corporation being a component member of a controlled group, such stock shall not be treated as excluded stock under subsection (c) (2), if by reason of treating such stock as excluded stock the result is that such corporation is not a component member of a controlled group of corporations.

“(4) FRANCHISED CORPORATION.—If—

“(A) a parent corporation (as defined in subsection (c) (2) (A)), or a common owner (as defined in subsection (c) (2) (B)), of a corporation which is a member of a controlled group of corporations is under a duty (arising out of a written agreement) to sell stock of such corporation (referred to in this paragraph as ‘franchised corporation’) which is franchised to sell the products of another member, or the common owner, of such controlled group;

“(B) such stock is to be sold to an employee (or employees) of such franchised corporation pursuant to a bona fide plan designed to eliminate the stock ownership of the parent corporation or of the common owner in the franchised corporation;

“(C) such plan—

“(i) provides a reasonable selling price for such stock, and

“(ii) requires that a portion of the employee’s share of the profits of such corporation (whether received as compensation or as a dividend) be applied to the purchase of such stock (or the purchase of notes, bonds, debentures or other similar evidence of indebtedness of such franchised corporation held by such parent corporation or common owner);

“(D) such employee (or employees) owns directly more than 20 percent of the total value of shares of all classes of stock in such franchised corporation;

“(E) more than 50 percent of the inventory of such franchised corporation is acquired from members of the controlled group, the common owner, or both; and

“(F) all of the conditions contained in subparagraphs (A), (B), (C), (D), and (E) have been met for one-half (or more) of the number of days preceding the December 31 included within the taxable year (or if the taxable year does not include December 31, the last day of such year) of the franchised corporation,

then such franchised corporation shall be treated as an excluded member of such group, under subsection (b) (2), for such taxable year.”

(b) **DISALLOWANCE OF SURTAX EXEMPTION AND ACCUMULATED EARNINGS CREDIT.**—Section 1551 (relating to disallowance of surtax exemption and accumulated earnings credit) is amended to read as follows:

68A Stat. 371.
26 USC 1551.

“**SEC. 1551. DISALLOWANCE OF SURTAX EXEMPTION AND ACCUMULATED EARNINGS CREDIT.**

“(a) **IN GENERAL.**—If—

“(1) any corporation transfers, on or after January 1, 1951, and on or before June 12, 1963, all or part of its property (other than money) to a transferee corporation,

"(2) any corporation transfers, directly or indirectly, after June 12, 1963, all or part of its property (other than money) to a transferee corporation, or

"(3) five or fewer individuals who are in control of a corporation transfer, directly or indirectly, after June 12, 1963, property (other than money) to a transferee corporation, and the transferee corporation was created for the purpose of acquiring such property or was not actively engaged in business at the time of such acquisition, and if after such transfer the transferor or transferors are in control of such transferee corporation during any part of the taxable year of such transferee corporation, then for such taxable year of such transferee corporation the Secretary or his delegate may (except as may be otherwise determined under subsection (d)) disallow the surtax exemption (as defined in section 11(d)), or the \$100,000 accumulated earnings credit provided in paragraph (2) or (3) of section 535(c), unless such transferee corporation shall establish by the clear preponderance of the evidence that the securing of such exemption or credit was not a major purpose of such transfer.

"(b) CONTROL.—For purposes of subsection (a), the term 'control' means—

"(1) With respect to a transferee corporation described in subsection (a) (1) or (2), the ownership by the transferor corporation, its shareholders, or both, of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of the stock; or

"(2) With respect to each corporation described in subsection (a) (3), the ownership by the five or fewer individuals described in such subsection of stock possessing—

"(A) at least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of the stock of each corporation, and

"(B) more than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such individual only to the extent such stock ownership is identical with respect to each such corporation.

For purposes of this subsection, section 1563(e) shall apply in determining the ownership of stock.

"(c) AUTHORITY OF THE SECRETARY UNDER THIS SECTION.—The provisions of section 269(b), and the authority of the Secretary under such section, shall, to the extent not inconsistent with the provisions of this section, be applicable to this section."

(c) TECHNICAL AMENDMENTS.—

(1) AMENDMENT OF SECTION 802.—The second sentence of section 802(a) (1) (relating to tax on life insurance companies) is amended to read as follows: "Such tax shall consist of a normal tax and surtax computed as provided in section 11 as though the life insurance company taxable income were the taxable income referred to in section 11."

(2) AMENDMENT OF SECTION 269.—Section 269(a) (relating to acquisitions made to evade or avoid income tax) is amended by striking out "then such deduction, credit, or other allowance shall not be allowed" at the end of the first sentence and inserting in lieu thereof "then the Secretary or his delegate may disallow such deduction, credit, or other allowance".

Ante, p. 25.
26 USC 11.

68A Stat. 180.
26 USC 535.

Ante, pp. 120,
123.

26 USC 269.

73 Stat. 115.
26 USC 802.

(3) SPECIAL RULE FOR 52-53-WEEK YEAR.—Section 441(f)(2)(A) (relating to effective date with respect to special rules for 52-53-week year) is amended by striking out “In any case in which the effective date or the applicability of any provision of this title is expressed in terms of taxable years beginning or ending with reference to a specified date” and inserting in lieu thereof “In any case in which the effective date or the applicability of any provision of this title is expressed in terms of taxable years beginning, including, or ending with reference to a specified date”.

68A Stat. 149.
26 USC 441.

(4) Subchapter B of chapter 6 is amended by inserting after the heading and before the table of sections the following:

“Part I. In general.

“Part II. Certain controlled corporations.

“PART I—IN GENERAL”

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (c) shall apply with respect to taxable years ending after December 31, 1963. The amendment made by subsection (b) shall apply with respect to transfers made after June 12, 1963.

SEC. 236. VALIDITY OF TAX LIENS AGAINST PURCHASERS OF MOTOR VEHICLES.

(a) PURCHASERS WITHOUT ACTUAL NOTICE OR KNOWLEDGE OF LIEN.—Section 6323 (relating to validity of liens for Federal taxes) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

26 USC 6323.

“(d) EXCEPTION IN CASE OF MOTOR VEHICLES.—

“(1) EXCEPTION.—Even though notice of a lien provided in section 6321 has been filed in the manner prescribed in subsection (a) of this section, the lien shall not be valid with respect to a motor vehicle, as defined in paragraph (2) of this subsection, as against any purchaser of such motor vehicle for an adequate and full consideration in money or money’s worth if—

26 USC 6321.

“(A) at the time of the purchase the purchaser is without notice or knowledge of the existence of such lien, and

“(B) before the purchaser obtains such notice or knowledge, he has acquired possession of such motor vehicle and has not thereafter relinquished possession of such motor vehicle to the seller or his agent.

“(2) DEFINITION OF MOTOR VEHICLE.—As used in this subsection, the term ‘motor vehicle’ means a self-propelled vehicle which is registered for highway use under the laws of any State or foreign country.”

(b) LIENS FOR ESTATE AND GIFT TAXES.—Section 6324 (relating to special lien for estate and gift taxes) is amended by adding at the end thereof the following new subsection:

26 USC 6324.

“(d) EXCEPTION IN CASE OF MOTOR VEHICLES.—The lien imposed by subsection (a) or (b) shall not be valid with respect to a motor vehicle, as defined in section 6323(d)(2), as against any purchaser of

such motor vehicle for an adequate and full consideration in money or money's worth if—

“(1) at the time of the purchase the purchaser is without notice or knowledge of the existence of such lien, and

“(2) before the purchaser obtains such notice or knowledge, he has acquired possession of such motor vehicle and has not thereafter relinquished possession of such motor vehicle to the seller or his agent.”

(c) **CLERICAL AMENDMENTS.**—

(1) Section 6323(a) is amended by striking out “subsection (c)” and inserting in lieu thereof “subsections (c) and (d)”.

(2) Section 6324 is amended by inserting after “subsection (c) (relating to transfers of securities)” in subsections (a) and (b) the following: “and subsection (d) (relating to purchases of motor vehicles)”.

(d) **EFFECTIVE DATES.**—The amendments made by this section shall apply only with respect to purchases made after the date of the enactment of this Act.

SEC. 237. EXCLUSION OF EARNED INCOME OF CERTAIN UNITED STATES CITIZENS WHO ARE RESIDENTS OF FOREIGN COUNTRIES.

(a) **REDUCTION OF LIMITATION.**—Subparagraph (B) of section 911(c) (1) (relating to limitations on amount of exclusion) is amended by striking out “\$35,000” and inserting in lieu thereof “\$25,000”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1964.

SEC. 238. LOSSES ARISING FROM CONFISCATION OF PROPERTY BY CUBA.

Section 165 (relating to losses) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

“(i) **CERTAIN PROPERTY CONFISCATED BY CUBA.**—For purposes of this chapter, any loss of tangible property, if such loss arises from expropriation, intervention, seizure, or similar taking by the government of Cuba, any political subdivision thereof, or any agency or instrumentality of the foregoing, shall be treated as a loss from a casualty within the meaning of subsection (c) (3).”

SEC. 239. CREDIT OR REFUND OF SELF-EMPLOYMENT TAX.

Section 6511 (relating to limitations on credit or refund) is amended by adding at the end of subsection (d) the following new paragraph:

“(5) **SPECIAL PERIOD OF LIMITATION WITH RESPECT TO SELF-EMPLOYMENT TAX IN CERTAIN CASES.**—If the claim for credit or refund relates to an overpayment of the tax imposed by chapter 2 (relating to the tax on self-employment income) attributable to an agreement, or modification of an agreement, made pursuant to section 218 of the Social Security Act (relating to coverage of State and local employees), and if the allowance of a credit or refund of such overpayment is otherwise prevented by the operation of any law or rule of law other than section 7122 (relating to compromises), such credit or refund may be allowed or made if claim therefor is filed on or before the later of the following dates: (A) the last day of the second year after the calendar year in which such agreement (or modification) is agreed to by the State and the Secretary of Health, Education, and Welfare, or (B) December 31, 1965.”

68A Stat. 779.

26 USC 6323.

26 USC 6324.

76 Stat. 1003.

26 USC 911.

76 Stat. 51.

26 USC 165.

Ante, p. 43.

26 USC 6511.

26 USC 1401-1403.

64 Stat. 514.

42 USC 418.

26 USC 7122.

SEC. 240. EXTENSION OF TIME FOR PAYMENT OF ESTATE TAX ON VALUE OF REVERSIONARY OR REMAINDER INTEREST IN PROPERTY.

(a) **EXTENSION UNDER 1954 CODE.**—Section 6163(b) (relating to extension of time for paying estate tax on value of reversionary or remainder interest in property to prevent undue hardship) is amended by striking out “not in excess of 2” and inserting in lieu thereof “or periods not in excess of 3”.

72 Stat. 1658.
26 USC 6163.

(b) **EXTENSION UNDER 1939 CODE.**—Section 925 of the Internal Revenue Code of 1939 (relating to periods of extension of time for paying estate tax attributable to future interests) is amended by striking out “not in excess of 2” and inserting in lieu thereof “or periods not in excess of 3”.

53 Stat. 140;
72 Stat. 1658.

(c) **EFFECTIVE DATE.**—

(1) The amendment made by subsection (a) shall apply in the case of any reversionary or remainder interest only if the time for payment of the tax under chapter 11 of the Internal Revenue Code of 1954 attributable to such interest, including any extensions thereof, has not expired on the date of the enactment of this Act.

26 USC 2001 et
seq.

(2) The amendment made by subsection (b) shall apply in the case of any reversionary or remainder interest only if the time for payment of the tax under chapter 3 of the Internal Revenue Code of 1939 attributable to such interest, including any extensions thereof, has not expired on the date of the enactment of this Act.

53 Stat. 119.

Title III—Optional Tax On Individuals; Collection Of Income Tax At Source On Wages

SEC. 301. OPTIONAL TAX IF ADJUSTED GROSS INCOME IS LESS THAN \$5,000.

(a) **OPTIONAL TAX.**—Section 3 (relating to optional tax if adjusted gross income is less than \$5,000) is amended to read as follows:

68A Stat. 8.
26 USC 3.

“SEC. 3. OPTIONAL TAX IF ADJUSTED GROSS INCOME IS LESS THAN \$5,000.

“(a) **TAXABLE YEARS BEGINNING IN 1964.**—In lieu of the tax imposed by section 1, there is hereby imposed for each taxable year beginning on or after January 1, 1964, and before January 1, 1965, on the taxable income of every individual whose adjusted gross income

Ante, p. 19.
26 USC 1.

(b) RULES FOR OPTIONAL TAX.—

(1) HUSBAND OR WIFE FILING SEPARATE RETURNS.—Subsection (c) of section 4 (relating to rules for optional tax) is amended to read as follows:

“(c) HUSBAND OR WIFE FILING SEPARATE RETURN.—

“(1) A husband or wife may not elect to pay the optional tax imposed by section 3 if the tax of the other spouse is determined under section 1 on the basis of taxable income computed without regard to the standard deduction.

“(2) Except as otherwise provided in this subsection, in the case of a husband or wife filing a separate return the tax imposed by section 3 shall be—

“(A) for taxable years beginning in 1964, the lesser of the tax shown in Table IV or Table V of section 3(a), and

“(B) for taxable years beginning after December 31, 1964, the lesser of the tax shown in Table IV or Table V of section 3(b).

“(3) Neither Table V of section 3(a) nor Table V of section 3(b) shall apply in the case of a husband or wife filing a separate return if the tax of the other spouse is determined with regard to the 10-percent standard deduction; except that an individual described in section 141(d) (2) may elect (under regulations prescribed by the Secretary or his delegate)—

“(A) to pay the tax shown in Table V of section 3(a) in lieu of the tax shown in Table IV of section 3(a), and

“(B) to pay the tax shown in Table V of section 3(b) in lieu of the tax shown in Table IV of section 3(b).

For purposes of this title, an election under the preceding sentence shall be treated as an election made under section 141(d) (2).

“(4) For purposes of this subsection, determination of marital status shall be made under section 143.”

(2) AMENDMENT OF SECTION 6014.—Section 6014(a) (relating to income tax return—tax not computed by taxpayer) is amended by adding at the end thereof the following new sentence: “In the case of a married individual filing a separate return and electing the benefits of this subsection, neither Table V in section 3(a) nor Table V in section 3(b) shall apply.”

(3) TECHNICAL AMENDMENTS.—

(A) Subsection (a) of section 4 (relating to rules for optional tax) is amended by striking out “table” and inserting in lieu thereof “tables”.

(B) Section 4(f) (relating to cross references) is amended by adding at the end thereof the following new paragraph:

“(4) For nonapplicability of Table V in section 3(a) and Table V in section 3(b) in case where tax is not computed by taxpayer, see section 6014(a).”

(c) EFFECTIVE DATE.—Except for purposes of section 21 of the Internal Revenue Code of 1954 (relating to effect of changes in rates during a taxable year), the amendments made by this section shall apply to taxable years beginning after December 31, 1963.

SEC. 302. INCOME TAX COLLECTED AT SOURCE.

(a) PERCENTAGE METHOD OF WITHHOLDING.—Subsection (a) of section 3402 (relating to requirement of withholding) is amended by striking out “18 percent” and inserting in lieu thereof “14 percent”.

(b) WAGE BRACKET WITHHOLDING.—Paragraph (1) of section 3402(c) (relating to wage bracket withholding) is amended to read as follows:

“(1) At the election of the employer with respect to any employee, the employer shall deduct and withhold upon the wages paid to such employee a tax determined in accordance with the

68A Stat. 10.
26 USC 4.

Ante, p. 129.
26 USC 3.
Ante, p. 19.
26 USC 1.

Ante, p. 23.
26 USC 141.

26 USC 143.
26 USC 6014.

Ante, p. 111.

26 USC 21.

26 USC 3402.

68A Stat. 357;
75 Stat. 536.
26 USC 1441.

Effective date.

(c) **WITHHOLDING OF TAX ON CERTAIN NONRESIDENT ALIENS.**—Subsections (a) and (b) of section 1441 (relating to withholding of tax on nonresident aliens) are amended by striking out “18 percent” and inserting in lieu thereof “14 percent”.

(d) **EFFECTIVE DATES.**—The amendments made by subsections (a) and (b) of this section shall apply with respect to remuneration paid after the seventh day following the date of the enactment of this Act. The amendment made by subsection (c) of this section shall apply with respect to payments made after the seventh day following the date of the enactment of this Act.

Approved February 26, 1964.

Public Law 88-273

AN ACT

February 28, 1964
[S. 298]

To amend the Small Business Investment Act of 1958.

Small Business
Investment Act
Amendments of
1963.

72 Stat. 692;
75 Stat. 752.
15 USC 682.

Borrowing
power.
15 USC 683.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Small Business Investment Act Amendments of 1963”.

SEC. 2. The second sentence of section 302(a) of the Small Business Investment Act of 1958 is amended by striking out “\$400,000” and inserting in lieu thereof “\$700,000”, by striking out “three years” and inserting in lieu thereof “five years”, and by striking out “1961” and inserting in lieu thereof “1963”.

SEC. 3. Section 303(b) of the Small Business Investment Act of 1958 is amended to read as follows:

“(b) To encourage the formation and growth of small business investment companies, the Administration is authorized (but only to the extent that the necessary funds are not available to the company involved from private sources on reasonable terms) to lend funds to such companies either directly or by loans made or effected in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (standby) basis. Such loans shall bear interest at such rate (in no case lower than the average investment yield, as determined by the Secretary of the Treasury, on marketable obligations of the United States outstanding at the time of the loan involved) and contain such other terms as the Administration may fix, and shall be subject to the following restrictions and limitations:

“(1) The total amount of obligations of any one company which may be purchased and outstanding at any one time by the Administration under this subsection (including commitments to purchase such obligations) shall not exceed 50 per centum of the paid-in capital and surplus of such company or \$4,000,000, whichever is less.

“(2) All loans made under this subsection (b) shall be of such sound value as reasonably to assure repayment.”

SEC. 4. Section 306 of the Small Business Investment Act of 1958 is amended to read as follows:

“AGGREGATE LIMITATIONS

“SEC. 306. Without the approval of the Administration, the aggregate amount of obligations and securities acquired and for which commitments may be issued by any small business investment company

Assistance;
limitations.
15 USC 686.

under the provisions of this Act for any single enterprise shall not exceed 20 per centum of the combined capital and surplus of such small business investment company authorized by this Act."

SEC. 5. The last sentence of section 308(b) of the Small Business Investment Act of 1958 is amended to read as follows: "Such companies may invest funds not reasonably needed for their current operations in direct obligations of, or obligations guaranteed as to principal and interest by, the United States, or in insured savings accounts (up to the amount of the insurance) in any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation."

Investment of
funds.
15 USC 687.

SEC. 6. (a) The Small Business Investment Act of 1958 is further amended by adding at the end of title III a new section as follows:

72 Stat. 691;
75 Stat. 753.
15 USC 681-
687c.

"CONFLICTS OF INTEREST"

"SEC. 312. For the purpose of controlling conflicts of interest which may be detrimental to small business concerns, to small business investment companies, to the shareholders of either, or to the purposes of this Act, the Administration shall adopt regulations to govern transactions with any officer, director, or shareholder of any small business investment company, or with any person or concern, in which any interest, direct or indirect, financial or otherwise, is held by any officer, director, or shareholder of (1) any small business investment company, or (2) any person or concern with an interest, direct or indirect, financial or otherwise, in any small business investment company. Such regulations shall include appropriate requirements for public disclosure (including disclosure in the locality most directly affected by the transaction) necessary to the purposes of this section."

(b) That part of the Table of Contents of such Act which describes the matter included in title III is amended by adding at the end thereof the following:

"Sec. 312. Conflicts of interest."

Approved February 28, 1964.

Public Law 88-274

AN ACT

February 29, 1964
[S. 2064]

To relieve the Veterans' Administration from paying interest on the amount of capital funds transferred in fiscal year 1962 from the direct loan revolving fund to the loan guaranty revolving fund.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1823(b) of title 38, United States Code, is amended by adding at the end thereof the following sentence: "The Administrator shall not be required to pay interest on transfers made pursuant to the Act of February 13, 1962 (76 Stat. 8), from the capital of the 'direct loans to veterans and reserves revolving fund' to the 'loan guaranty revolving fund' and adjustments shall be made for payments of interest on such transfers before the date of enactment of this sentence."

Veterans' Ad-
ministration.
Interest on cap-
ital funds.
72 Stat. 1214.

Approved February 29, 1964.

Public Law 88-275

AN ACT

February 29, 1964
[S. 2317]

To amend the provisions of section 15 of the Shipping Act, 1916, to provide for the exemption of certain terminal leases from penalties.

Shipping Act,
amendment.
Terminal leases.
75 Stat. 763.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15 of the Shipping Act, 1916 (46 U.S.C. 814), be amended by inserting at the end thereof the following: "*Provided, however,* That the penalty provisions of this section shall not apply to leases, licenses, assignments, or other agreements of similar character for the use of terminal property or facilities which were entered into before the date of enactment of this Act, and, if continued in effect beyond said date, submitted to the Federal Maritime Commission for approval prior to or within ninety days after the enactment of this Act, unless such leases, licenses, assignments, or other agreements for the use of terminal facilities are disapproved, modified, or canceled by the Commission and are continued in operation without regard to the Commission's action thereon. The Commission shall promptly approve, disapprove, cancel, or modify each such agreement in accordance with the provisions of this section."

Approved February 29, 1964.

Public Law 88-276

AN ACT

March 3, 1964
[H. R. 7356]

To amend title 10, United States Code, relating to the nomination and selection of candidates for appointment to the Military, Naval, and Air Force Academies.

U.S. Military,
Naval, and Air
Academies.
Appointments.
70A Stat. 240.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 403 of title 10, United States Code, is amended as follows:

(1) Section 4342 is amended to read as follows:

"§ 4342. Cadets: appointment; numbers, territorial distribution

"(a) The authorized strength of the Corps of Cadets of the Academy is as follows:

"(1) 40 cadets selected in order of merit as established by competitive examinations from the sons of members of the armed forces who were killed in action or died of wounds or injuries received or diseases contracted in, or preexisting injury or disease aggravated by, active service—

"(A) during World War I or World War II as defined by laws providing service-connected compensation or pension benefits for veterans of those wars and their dependents; or

"(B) after June 26, 1950, and before February 1, 1955.

The determination of the Veterans' Administration as to service connection of the cause of death is binding upon the Secretary of the Army.

"(2) Five cadets nominated at large by the Vice President.

"(3) Ten cadets from each State, five of whom are nominated by each Senator from that State.

"(4) Five cadets from each congressional district, nominated by the Representative from the district.

Sons of certain
veterans.

"(5) Five cadets from the District of Columbia, nominated by the Commissioners of that District.

"(6) Five cadets from each Territory, nominated by the Delegate in Congress from the Territory.

"(7) Six cadets from Puerto Rico, five of whom are nominated by the Resident Commissioner from Puerto Rico and one who is a native of Puerto Rico nominated by the Governor of Puerto Rico.

"(8) One cadet nominated by the Governor of the Panama Canal from the sons of civilians residing in the Canal Zone or the sons of civilian personnel of the United States Government, or the Panama Canal Company, residing in the Republic of Panama.

"(9) One cadet from American Samoa, Guam, or the Virgin Islands nominated by the Secretary of the Army upon recommendations of their respective Governors.

Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner from Puerto Rico, is entitled to nominate a principal candidate and five alternates for each vacancy that is available to him under this section.

"(b) In addition, there may be appointed each year at the Academy cadets as follows:

"(1) 75 selected by the President from the sons of members of regular components of the armed forces.

"(2) 85 nominated by the Secretary of the Army from enlisted members of the Regular Army.

"(3) 85 nominated by the Secretary of the Army from enlisted members of the Army Reserve.

"(4) 20 nominated by the Secretary of the Army, under regulations prescribed by him, from the honor graduates of schools designated as honor schools by the Department of the Army, the Department of the Navy, or the Department of the Air Force, and from members of the Reserve Officers' Training Corps.

"(5) 150 selected by the Secretary of the Army in order of merit (prescribed pursuant to section 1343 of this title) from qualified alternates nominated by persons named in clauses (3) and (4) of subsection (a).

70A Stat. 242.

"(c) The President may also appoint as cadets at the Academy sons of persons who have been awarded the Medal of Honor for acts performed while in the armed forces.

Sons of Medal of Honor winners.

"(d) All cadets are appointed by the President. An appointment is conditional until the cadet is admitted.

"(e) If the annual quota of cadets under subsection (b) (1), (2), (3) is not filled, the Secretary may fill the vacancies by nominating for appointment other candidates from any of these sources who were found best qualified on examination for admission and not otherwise nominated.

Unfilled quotas.

"(f) Each candidate for admission nominated under clauses (3)-(7) and (9) of subsection (a) must be domiciled in the State or Territory, or in the congressional district, from which he is nominated, or in the District of Columbia, Puerto Rico, American Samoa, Guam, or the Virgin Islands, if nominated from one of those places.

Conditions.

"(g) The Secretary of the Army may limit the number of cadets authorized to be appointed under this section to the number that can be adequately accommodated at the Academy, as determined by the Secretary after consulting with the Committees on Armed Services of the Senate and House of Representatives, subject to the following:

Secretary of Army.
Authority.

"(1) Cadets chargeable to each nominating authority named in subsection (a) (3) or (4) may not be limited to less than four.

“(2) If the Secretary limits the number of appointments under subsection (a) (3) or (4), appointments under subsection (b) (1)–(4) are limited as follows:

“(A) 27 appointments under subsection (b) (1);

“(B) 27 appointments under subsection (b) (2);

“(C) 27 appointments under subsection (b) (3); and

“(D) 13 appointments under subsection (b) (4).

“(3) If the Secretary limits the number of appointments under subsection (b) (5), appointments under subsection (b) (2)–(4) are limited as follows:

“(A) 27 appointments under subsection (b) (2);

“(B) 27 appointments under subsection (b) (3); and

“(C) 13 appointments under subsection (b) (4).

“(4) The limitations provided for in this subsection do not affect the operation of subsection (e).

Information to
Congress.

“(h) Effective beginning with nominations for appointment to the Academy in the calendar year 1964, the Secretary of the Army shall furnish to any Member of Congress, upon the written request of such Member, the name of the Congressman or other nominating authority responsible for the nomination of any named or identified person for appointment to the Academy.”

(2) The text of section 4343 is amended to read as follows:

Alternates.
Appointment.

“If it is determined that, upon the admission of a new class to the Academy, the number of cadets at the Academy will be below the authorized number, the Secretary of the Army may fill the vacancies by nominating additional cadets from qualified candidates designated as alternates and from other qualified candidates who competed for nomination and are recommended and found qualified by the Academic Board. At least three-fourths of those nominated under this section shall be selected from qualified alternates nominated by the persons named in clauses (2)–(8) of section 4342(a) of this title, and the remainder from qualified candidates holding competitive nominations under any other provision of law. An appointment under this section is an additional appointment and is not in place of an appointment otherwise authorized by law.”

70A Stat. 429.

SEC. 2. Section 6954 of title 10, United States Code, is amended as follows:

(1) Subsection (a) is amended by inserting at the end thereof the following flush sentence:

Congressional
appointments.

“Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner from Puerto Rico, is entitled to nominate a principal candidate and five alternates for each vacancy that is available to him under this section.”

(2) Subsection (b) is amended by striking out “160” in clauses (2) and (3) and inserting “85” in place thereof, and by inserting the following new clause after clause (4):

“(5) 150 selected by the Secretary of the Navy in order of merit (prescribed pursuant to section 6956 of this title) from qualified alternates nominated by persons named in clauses (3) and (4) of subsection (a).”

(3) The following new subsections are added at the end:

Secretary of
Navy.
Authority.

“(d) The Secretary of the Navy may limit the number of midshipmen appointed under subsection (b) (5). When he does so, if the total number of midshipmen, upon admission of a new class at the

Academy, will be more than 3,737, no appointments may be made under subsection (b) (2) or (3) of this section or section 6956 of this title.

“(e) Effective beginning with the nominations for appointment to the Academy in the calendar year 1964, the Secretary of the Navy shall furnish to any Member of Congress, upon the written request of such Member, the name of the Congressman or other nominating authority responsible for the nomination of any named or identified person for appointment to the Academy.”

Information to Congress.

SEC. 3. Section 6956 of title 10, United States Code, is amended—

70A Stat. 430.

(1) By striking out “one or more alternates” in subsection (a) and inserting in place thereof “five alternates”.

(2) By striking out “two-thirds” in the second sentence of subsection (e) and inserting in place thereof “three-fourths”.

SEC. 4. Chapter 903 of title 10, United States Code, is amended as follows:

10 USC 9331-9355.

(1) Section 9342 is amended to read as follows:

70A Stat. 563;
76 Stat. 547.

“§ 9342. Cadets: appointment; numbers, territorial distribution

“(a) The authorized strength of Air Force Cadets of the Academy is as follows:

Sons of certain veterans.

“(1) 40 cadets selected in order of merit as established by competitive examination from the sons of members of the armed forces who were killed in action or died of wounds or injuries received or diseases contracted in, or preexisting injury or disease aggravated by, active service—

“(A) during World War I or World War II as defined by laws providing service-connected compensation or pension benefits for veterans of those wars and their dependents; or

“(B) after June 26, 1950, and before February 1, 1955.

The determination of the Veterans' Administration as to service connection of the cause of death is binding upon the Secretary of the Air Force.

“(2) Five cadets nominated at large by the Vice President.

“(3) Ten cadets from each State, five of whom are nominated by each Senator from that State.

“(4) Five cadets from each congressional district, nominated by the Representative from the district.

“(5) Five cadets from the District of Columbia, nominated by the Commissioners of that District.

“(6) Five cadets from each Territory, nominated by the Delegate in Congress from that Territory.

“(7) Six cadets from Puerto Rico, five of whom are nominated by the Resident Commissioner from Puerto Rico and one who is a native of Puerto Rico nominated by the Governor of Puerto Rico.

“(8) One cadet nominated by the Governor of the Panama Canal from the sons of civilians residing in the Canal Zone or the sons of civilian personnel of the United States Government, or the Panama Canal Company, residing in the Republic of Panama.

“(9) One cadet from American Samoa, Guam, or the Virgin Islands nominated by the Secretary of the Air Force upon recommendations of their respective Governors.

Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner from Puerto Rico, is entitled to nominate a principal candidate and five alternates for each vacancy that is available to him under this section.

“(b) In addition, there may be appointed each year at the Academy cadets as follows:

“(1) 75 selected by the President from the sons of members of regular components of the armed forces.

“(2) 85 nominated by the Secretary of the Air Force from enlisted members of the Regular Air Force.

“(3) 85 nominated by the Secretary of the Air Force from enlisted members of the Air Force Reserve.

“(4) 20 nominated by the Secretary of the Air Force, under regulations prescribed by him, from the honor graduates of schools designated as honor schools by the Department of the Army, the Department of the Navy, or the Department of the Air Force, and from members of the Air Force Reserve Officers’ Training Corps.

“(5) 150 selected by the Secretary of the Air Force in order of merit (prescribed pursuant to section 9343 of this title) from qualified alternates nominated by persons named in clauses (3) and (4) of subsection (a).

70 A Stat. 564.

Sons of Medal
of Honor winners.

“(c) The President may also appoint as cadets at the Academy sons of persons who have been awarded the Medal of Honor for acts performed while in the armed forces.

“(d) All cadets are appointed by the President. An appointment is conditional until the cadet is admitted.

Unfilled quotas.

“(e) If the annual quota of cadets under subsection (b) (1), (2), or (3) is not filled, the Secretary may fill the vacancies by nominating for appointment other candidates from any of these sources who were found best qualified on examination for admission and not otherwise nominated.

Conditions.

“(f) Each candidate for admission nominated under clauses (3)–(7) and (9) of subsection (a) must be domiciled in the State or Territory, or in the congressional district, from which he is nominated, or in the District of Columbia, Puerto Rico, American Samoa, Guam, or the Virgin Islands, if nominated from one of those places.

Secretary of
Air Force.
Authority.

“(g) The Secretary of the Air Force may limit the number of cadets authorized to be appointed under this section to the number that can be adequately accommodated at the Academy as determined by the Secretary after consulting with the Committees on Armed Services of the Senate and House of Representatives, subject to the following:

“(1) Cadets chargeable to each nominating authority named in subsection (a) (3) or (4) may not be limited to less than four.

“(2) If the Secretary limits the number of appointments under subsection (a) (3) or (4), appointments under subsection (b) (1)–(4) are limited as follows:

“(A) 27 appointments under subsection (b) (1);

“(B) 27 appointments under subsection (b) (2);

“(C) 27 appointments under subsection (b) (3); and

“(D) 13 appointments under subsection (b) (4).

“(3) If the Secretary limits the number of appointments under subsection (b) (5), appointments under subsection (b) (2)–(4) are limited as follows:

“(A) 27 appointments under subsection (b) (2);

“(B) 27 appointments under subsection (b) (3); and

“(C) 13 appointments under subsection (b) (4).

“(4) The limitations provided for in this subsection do not affect the operation of subsection (e).

“(h) Effective beginning with the nominations for appointment to the Academy in the calendar year 1964, the Secretary of the Air Force shall furnish to any Member of Congress, upon the written request of such Member, the name of the Congressman or other nominating authority responsible for the nomination of any named or identified person for appointment to the Academy.”

Information to
Congress.

(2) The text of section 9343 is amended to read as follows:

70A Stat. 564.

“If it is determined that, upon the admission of a new class to the Academy, the number of cadets at the Academy will be below the authorized number, the Secretary of the Air Force may fill the vacancies by nominating additional cadets from qualified candidates designated as alternates and from other qualified candidates who competed for nomination and are recommended and found qualified by the faculty. At least three-fourths of those nominated under this section shall be selected from qualified alternates nominated by the persons named in clauses (2)–(8) of section 9342(a) of this title, and the remainder from qualified candidates holding competitive nominations under any other provision of law. An appointment under this section is an additional appointment and is not in place of an appointment otherwise authorized by law.”

Alternates.
Appointment.

SEC. 5. (a) Paragraph (2) of section 4348, paragraph (2) of section 6959, and paragraph (2) of section 9348 of title 10 of the United States Code are each amended by striking out “three” and inserting in lieu thereof “five”.

(b) The fourth sentence of section 182 of title 14 of the United States Code is amended by striking out “four” and inserting in lieu thereof “five”.

63 Stat. 508.

(c) The amendments made by this section shall apply only with respect to cadets and midshipmen appointed to the service academies and the Coast Guard Academy after the date of enactment of this Act, and shall not affect the obligated period of service of any cadet or midshipman appointed to one of the service academies or the Coast Guard Academy on or before the date of enactment of this Act.

Applicability.

Approved March 3, 1964.

Public Law 88-277

AN ACT

To promote the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President.

March 7, 1964
[H. R. 4638]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Presidential Transition Act of 1963.”

Presidential
Transition Act of
1963.

PURPOSE OF THIS ACT

SEC. 2. The Congress declares it to be the purpose of this Act to promote the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President. The national interest requires that such transitions in the office of President be accomplished so as to assure continuity in the faithful execution of the laws and in the conduct of the affairs of the Federal Government, both domestic and foreign. Any disruption occasioned by the transfer of the executive power could produce results detrimental to the safety and well-being of the

United States and its people. Accordingly, it is the intent of the Congress that appropriate actions be authorized and taken to avoid or minimize any disruption. In addition to the specific provisions contained in this Act directed toward that purpose, it is the intent of the Congress that all officers of the Government so conduct the affairs of the Government for which they exercise responsibility and authority as (1) to be mindful of problems occasioned by transitions in the office of President, (2) to take appropriate lawful steps to avoid or minimize disruptions that might be occasioned by the transfer of the executive power, and (3) otherwise to promote orderly transitions in the office of President.

SERVICES AND FACILITIES AUTHORIZED TO BE PROVIDED TO PRESIDENTS-ELECT
AND VICE-PRESIDENTS-ELECT

Administrator of
General Services.
Authority.

SEC. 3. (a) The Administrator of General Services, referred to hereafter in this Act as "the Administrator," is authorized to provide, upon request, to each President-elect and each Vice-President-elect, for use in connection with his preparations for the assumption of official duties as President or Vice President necessary services and facilities, including—

Office space.

(1) Suitable office space appropriately equipped with furniture, furnishings, office machines and equipment, and office supplies, as determined by the Administrator, after consultation with the President-elect, the Vice-President-elect, or their designee provided for in subsection (e) of this section, at such place or places within the United States as the President-elect or Vice-President-elect shall designate;

Office staffs,
salaries.

(2) Payment of the compensation of members of office staffs designated by the President-elect or Vice-President-elect at rates determined by them not to exceed the rate provided by the Classification Act of 1949, as amended, for grade GS-18: *Provided*, That any employee of any agency of any branch of the Government may be detailed to such staffs on a reimbursable or nonreimbursable basis with the consent of the head of the agency; and while so detailed such employee shall be responsible only to the President-elect or Vice-President-elect for the performance of his duties: *Provided further*, That any employee so detailed shall continue to receive the compensation provided pursuant to law for his regular employment, and shall retain the rights and privileges of such employment without interruption. Notwithstanding any other law, persons receiving compensation as members of office staffs under this subsection, other than those detailed from agencies, shall not be held or considered to be employees of the Federal Government except for purposes of the Civil Service Retirement Act, the Federal Employees' Compensation Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959;

5 USC 2251,
751, 2091, 3001
notes.

Experts or con-
sultants.

(3) Payment of expenses for the procurement of services of experts or consultants or organizations thereof for the President-elect or Vice-President-elect, as authorized for the head of any department by section 15 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 55a), at rates not to exceed \$100 per diem for individuals;

60 Stat. 810.

Travel expen-
ses.

(4) Payment of travel expenses and subsistence allowances, including rental of Government or hired motor vehicles, found necessary by the President-elect or Vice-President-elect, as

authorized for persons employed intermittently or for persons serving without compensation by section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2), as may be appropriate;

60 Stat. 808;
75 Stat. 339, 340.

(5) Communications services found necessary by the President-elect or Vice-President-elect;

Communications services.

(6) Payment of expenses for necessary printing and binding, notwithstanding the Act of January 12, 1895, and the Act of March 1, 1919, as amended (44 U.S.C. 111);

Printing and binding.

(7) Reimbursement to the postal revenues in amounts equivalent to the postage that would otherwise be payable on mail matter referred to in subsection (d) of this section.

Postage.

(b) The Administrator shall expend no funds for the provision of services and facilities under this Act in connection with any obligations incurred by the President-elect or Vice-President-elect before the day following the date of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2, or after the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President.

Restriction.

62 Stat. 672.

(c) The terms "President-elect" and "Vice-President-elect" as used in this Act shall mean such persons as are the apparent successful candidates for the office of President and Vice President, respectively, as ascertained by the Administrator following the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2.

Definitions.

(d) Each President-elect shall be entitled to conveyance within the United States and its territories and possessions of all mail matter, including airmail, sent by him in connection with his preparations for the assumption of official duties as President, and such mail matter shall be transmitted as penalty mail as provided in title 39, United States Code, section 4152. Each Vice-President-elect shall be entitled to conveyance within the United States and its territories and possessions of all mail matter, including airmail, sent by him under his written autograph signature in connection with his preparations for the assumption of official duties as Vice President.

Penalty mail.

74 Stat. 660.

(e) Each President-elect and Vice-President-elect may designate to the Administrator an assistant authorized to make on his behalf such designations or findings of necessity as may be required in connection with the services and facilities to be provided under this Act. Not more than 10 per centum of the total expenditures under this Act for any President-elect or Vice-President-elect may be made upon the basis of a certificate by him or the assistant designated by him pursuant to this section that such expenditures are classified and are essential to the national security, and that they accord with the provisions of subsections (a), (b), and (d) of this section.

Assistant, designation.

(f) In the case where the President-elect is the incumbent President or in the case where the Vice-President-elect is the incumbent Vice President, there shall be no expenditures of funds for the provision of services and facilities to such incumbent under this Act, and any funds appropriated for such purposes shall be returned to the general funds of the Treasury.

Nonapplicability.

SERVICES AND FACILITIES AUTHORIZED TO BE PROVIDED TO FORMER
PRESIDENTS AND FORMER VICE PRESIDENTS

SEC. 4. The Administrator is authorized to provide, upon request, to each former President and each former Vice President, for a period not to exceed six months from the date of the expiration of his term of office as President or Vice President, for use in connection with winding up the affairs of his office, necessary services and facilities of the same general character as authorized by this Act to be provided to Presidents-elect and Vice-Presidents-elect. Any person appointed or detailed to serve a former President or former Vice President under authority of this section shall be appointed or detailed in accordance with, and shall be subject to, all of the provisions of section 3 of this Act applicable to persons appointed or detailed under authority of that section. The provisions of the Act of August 25, 1958 (72 Stat. 838; 3 U.S.C. 102, note), other than subsections (a) and (e) shall not become effective with respect to a former President until six months after the expiration of his term of office as President.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are hereby authorized to be appropriated to the Administrator such funds as may be necessary for carrying out the purposes of this Act but not to exceed \$900,000 for any one Presidential transition, to remain available during the fiscal year in which the transition occurs and the next succeeding fiscal year. The President shall include in the budget transmitted to the Congress, for each fiscal year in which his regular term of office will expire, a proposed appropriation for carrying out the purposes of this Act.

Approved March 7, 1964.

Public Law 88-278

AN ACT

March 10, 1964
[H. R. 8171]

To authorize the Secretary of the Interior to acquire lands, including farm units and improvements thereon, in the third division, Riverton reclamation project, Wyoming, and to continue to deliver water for three years to lands of said division, and for other purposes.

Riverton reclama-
tion project.
Land purchase.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) That the Secretary of the Interior shall negotiate with the entrymen on and the owners of land within the third division of the Riverton Federal reclamation project, Wyoming, for the purchase of their lands, patented or unpatented, at a price equal to the appraised value thereof and of the improvements thereon. In the case of any lands which were represented as being suitable for sustained irrigation production in the land classification in force at the time entry was made or the lands were acquired by the present owner (or, if the present owner acquired the same by descent or devise, by his predecessor in title), such value shall be determined without reference to any deterioration in their irrigability subsequent to the time of entry or acquisition arising from above-normal seepage and/or inadequate drainage. The Secretary is authorized to acquire options for the purchase of such lands in the name of the United States. He shall make a final report on the result of his negotiations and on options acquired to the President of the Senate and the Speaker of the House of Representatives on or before

Purchase
options.

Reports to Con-
gress.

June 30, 1964, and, upon the expiration of not less than sixty calendar days after the submission of this report, he may acquire such lands.

(b) Property acquired by the United States under this section shall be available for disposal under the terms of the Farm Unit Exchange Act of August 13, 1953 (67 Stat. 566), or at public or private sale for not less than the appraised value at the time of such sale. Costs incurred by the Secretary under this section which are not offset by returns from sales shall be nonreimbursable and nonreturnable.

SEC. 2. The Secretary is authorized to continue to deliver water to the lands of the third division during calendar years 1964, 1965, and 1966 as under the provisions of section 9, subsection (d) (1), of the Reclamation Project Act of 1939 (53 Stat. 1187, 1195; 43 U.S.C. 485h(d)) but without regard to the time limitation therein specified. Water shall be furnished only upon individual application therefor and upon payment of an amount for each acre to which water is to be furnished to the applicant during the year in question equal to the estimated average cost per acre for all lands to be irrigated that year of operating and maintaining the third division. Prior to the expiration of this three-year period (January 1, 1967), the Secretary shall determine whether there are sufficient lands capable of sustained production under irrigation use in the North Portal, North Pavillion, and Cottonwood Bench areas of the third division to form an economical, feasible unit and shall report his findings thereon to the Congress.

SEC. 3. Notwithstanding any other provision of law, the limitation of lands held in single ownership within the third division which are eligible to receive project water from, through, or by means of project works shall be one hundred and sixty acres of class 1 land or the equivalent thereof in other land classes, as determined by the Secretary.

SEC. 4. Construction costs of the third division which the Secretary determines to be assignable to the lands classified as permanently nonproductive shall be nonreturnable and nonreimbursable under the Federal reclamation laws: *Provided*, That whenever new lands or lands formerly classified as nonproductive, are subsequently classified or reclassified as productive, the repayment obligation of the repayment organization within which such lands are included shall be appropriately increased.

SEC. 5. (a) Notwithstanding any other provision of law, any administrative regulation, or the terms of any mortgage or other security instrument, no real property on the third division which has heretofore been mortgaged or otherwise encumbered as security for a debt to the United States or any of its agencies shall be subject to foreclosure or other process of law for enforcement of the debt between the effective date of this Act and December 1, 1964: *Provided*, That nothing contained in the foregoing shall operate to discharge any obligation of the debtor to the United States.

(b) Notwithstanding any other provision of law or any administrative regulation, no agency of the United States shall hereafter and prior to December 1, 1964, take as security for a debt to the United States or to that or any other agency of the United States any mortgage or other form of encumbrance on real property on the third division unless (1) the debt to the United States or its agency has heretofore been incurred and the security has heretofore been given and is required to be continued in connection with a renewal or refinancing of the debt or (2) the debtor specifically waives, with the consent of the Secretary of the Interior, the privilege of selling his land to the United States as provided in the first section of this Act.

Disposal of certain property.

43 USC 451-451k.

Water delivery.

76 Stat. 407.

Payment.

Report to Congress.

Ownership limitations.

Construction costs.

Moratorium on foreclosure by U.S.

New mortgages. Prohibition.

Appropriations.
Post, p. 853.

SEC. 6. Appropriations heretofore or hereafter made for carrying on the functions of the Bureau of Reclamation shall be available in an amount of not more than \$2,000,000 for the acquisition of lands as provided in section 1(a) of this Act and for additional drainage facilities, canal lining, and structure replacements: *Provided*, That all miscellaneous net revenues received from the sale of lands under section 1(b) of this Act shall be applied against such costs.

Approved March 10, 1964.

Public Law 88-279

AN ACT

March 10, 1964
[H. R. 7235]

To amend sections 671 and 672 of title 28, United States Code, relating to the clerk and the marshal of the Supreme Court.

Supreme Court.
62 Stat. 918.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (c) and (d) of section 671 of title 28, United States Code, are amended to read as follows:

Clerk.

“(c) The clerk may appoint and fix the compensation of necessary assistants and messengers with the approval of the Chief Justice of the United States.

“(d) The clerk shall pay into the Treasury all fees, costs, and other moneys collected by him. He shall make annual returns thereof to the Court under regulations prescribed by it.”

Payment of
salaries.

SEC. 2. (a) The sixth paragraph of subsection (c) of section 672 of title 28, United States Code, is amended to read as follows:

“(6) Pay the salaries of the Chief Justice, Associate Justices, and all officers and employees of the Court and disburse other funds appropriated for disbursement, under the direction of the Chief Justice;”.

Printing briefs;
travel expenses.

(b) Section 672(c) is further amended by adding at the end thereof the following new paragraph:

Marshal.

“(7) Pay the expenses of printing briefs and travel expenses of attorneys in behalf of persons whose motions to appear in forma pauperis in the Supreme Court have been approved and when counsel have been appointed by the Supreme Court, upon vouchers certified by the clerk of the Court.”

SEC. 3. There are hereby authorized to be appropriated annually such sums as are necessary to carry out the provisions of this Act.

Effective date.

SEC. 4. The amendments proposed in this Act shall become effective only when funds have been appropriated and are available to pay the salaries and other expenses of the clerk's office.

Approved March 10, 1964.

Public Law 88-280

AN ACT

March 11, 1964
[S. 1153]

To amend the Federal Airport Act to extend the time for making grants thereunder, and for other purposes.

Federal Airport
Act, amendment.
60 Stat. 170.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Federal Airport Act (49 U.S.C. 1101) is amended:

(1) by striking out the designation “(a)” at the beginning thereof;

(2) by inserting "(except advance planning and engineering for which specific grants have been made)" immediately after "specifications" in paragraph (6);

(3) by striking out "and the Virgin Islands" in paragraph (7) and inserting in lieu thereof "the Virgin Islands, and Guam";

"Public agency," inclusion of Guam.

(4) by inserting "of the advance planning and engineering costs or" immediately after "portion" in paragraph (10);

(5) by inserting "the United States Air Force," immediately after "Navy," in paragraph (11); and

(6) by striking out the subsection heading "Airport Classifications" and all of subsection (b).

SEC. 2. Section 3(b) of such Act (49 U.S.C. 1102(b)) is amended:

75 Stat. 523.

(1) by striking out the phrase "War and Navy Departments" wherever it appears in the subsection heading and text and inserting in lieu thereof "Department of Defense"; and

(2) by striking out "such Departments" and inserting in lieu thereof "the Department".

SEC. 3. Section 4(a) of such Act (49 U.S.C. 1103(a)) is amended by inserting "and for advance planning and engineering therefor" immediately after "airport development".

Appropriations authorization, extension.

SEC. 4. Section 5(d) of such Act (49 U.S.C. 1104 (d)) is amended by adding at the end thereof the following new paragraphs:

"(4) For the purpose of carrying out this Act in the several States, in addition to other amounts authorized by this Act, appropriations amounting in the aggregate to \$199,500,000 are hereby authorized to be made to the Administrator over a period of three fiscal years, beginning with the fiscal year ending June 30, 1965. Of amounts appropriated under this paragraph, \$66,500,000 shall become available for obligation, by the execution of grant agreements pursuant to section 12, beginning July 1 of each of the fiscal years ending June 30, 1965, June 30, 1966, and June 30, 1967, and shall continue to be so available until expended.

"(5) For the purpose of carrying out this Act in Hawaii, Puerto Rico, and the Virgin Islands, in addition to other amounts authorized by this Act, appropriations amounting in the aggregate to \$4,500,000 are hereby authorized to be made to the Administrator over a period of three fiscal years, beginning with the fiscal year ending June 30, 1965. Of amounts appropriated under this paragraph, \$1,500,000 shall become available for obligation, by the execution of grant agreements pursuant to section 12, beginning July 1 of each of the fiscal years ending June 30, 1965, June 30, 1966, and June 30, 1967, and shall continue to be so available until expended. Of each such amount, 40 per centum shall be available for Hawaii, 40 per centum shall be available for Puerto Rico, and 20 per centum shall be available for the Virgin Islands.

Hawaii, Puerto Rico, Virgin Islands.

"(6) For the purpose of developing, in the several States, airports the primary purpose of which is to serve general aviation and to relieve congestion at airports having high density of traffic serving other segments of aviation, in addition to other amounts authorized by this Act for such purpose, appropriations amounting in the aggregate to \$21,000,000 are hereby authorized to be made to the Administrator over a period of three fiscal years, beginning with the fiscal year ending June 30, 1965. Of amounts appropriated under this paragraph, \$7,000,000 shall become available for obligation, by the execution of grant agreements pursuant to section 12, beginning July 1 of each of the fiscal years ending June 30, 1965, June 30, 1966, and June 30, 1967, and shall continue to be so available until expended."

Orderly development.

Apportionment
of funds.
75 Stat. 525.

SEC. 5. (a) Section 6(a) of such Act (49 U.S.C. 1105(a)) is amended—

(1) by striking out “or 5(d)(1)” in the first sentence and inserting in lieu thereof “, 5(d)(1), or 5(d)(4)”; and

(2) by inserting “for advance planning and engineering or” immediately after “grants” in the second sentence.

(b) Section 6(b)(1) of such Act (49 U.S.C. 1105(b)(1)) is amended—

(1) by striking out “and 5(d)(1)” and inserting in lieu thereof “, 5(d)(1), and 5(d)(4)”; and

(2) by striking out “section 5(d)(3)” and inserting in lieu thereof “sections 5(d)(3) and 5(d)(6)”.

(c) Section 6(b)(2) of such Act (49 U.S.C. 1105(b)(2)) is amended—

(1) by inserting “for advance planning and engineering grants or” immediately after “available” in the first sentence;

(2) by inserting “advance planning and engineering or” immediately before “projects” in the second sentence; and

(3) by striking out “and the Virgin Islands” each place it appears and inserting in lieu thereof in each such place “the Virgin Islands, and Guam”.

(d) Section 6(c) of such Act (49 U.S.C. 1105(c)) is amended by inserting “advance planning and engineering and” immediately before “projects”.

Inclusion of
Guam.

60 Stat. 174.

SEC. 6. Section 7 of such Act (49 U.S.C. 1106) is amended—

(1) by inserting in the section heading “ADVANCE PLANNING AND ENGINEERING AND” immediately before “PROJECTS”; and

(2) by inserting “advance planning and engineering and” immediately before “projects” where it first appears in the text; and

(3) by inserting “of advance planning and engineering costs or” immediately after “United States share”.

Advance plan-
ning and engineer-
ing grants.

SEC. 7. Immediately after section 7 of such Act, insert the following new section:

“ADVANCE PLANNING AND ENGINEERING GRANTS

Airport layout
plan.

“SEC. 8. For the purpose of developing airport layout plans and plans designed to lead to a project application, the Administrator is authorized to make grants to sponsors, based upon approved advance planning and engineering proposals, for not more than 50 per centum of the estimated cost thereof. For the purposes of this section, ‘airport layout plan’ means a plan for an airport showing boundaries and proposed additions to all areas owned or controlled by the sponsor for airport purposes, the location and nature of existing and proposed airport facilities and structures, and the location on the airport of existing and proposed nonaviation areas and improvements thereon.”

Project appli-
cations.

SEC. 8. (a) The section heading of section 9 of such Act (49 U.S.C. 1108) is amended by inserting “ADVANCE PLANNING AND ENGINEERING PROPOSALS AND” immediately before “PROJECTS”.

60 Stat. 174.

(b) Section 9(a) of such Act (49 U.S.C. 1108(a)) is amended by inserting “an advance planning and engineering proposal or” immediately after “Administrator” where it first appears in the first sentence.

(c) Section 9(b) of such Act (49 U.S.C. 1108(b)) is amended—

(1) by striking out “submission of a project” and inserting in lieu thereof “submission of an advance planning and engineering proposal or a project”; and

(2) by inserting “advance planning and engineering proposal or” immediately before “project” the second time it appears.

(d) Section 9(c) of such Act (49 U.S.C. 1108(c)) is amended—

(1) by striking out “submission of a project” and inserting

in lieu thereof "submission of an advance planning and engineering proposal or a project"; and

(2) by inserting "Guam," immediately after "the Virgin Islands,".

Inclusion of
Guam.

(e) The first sentence of section 9(d)(1) of such Act (49 U.S.C. 1108(d)(1)) is amended to read as follows: "All such projects and advance planning and engineering proposals shall be subject to the approval of the Administrator, which approval shall be given only if he is satisfied that the project or advance planning and engineering proposal is reasonably consistent with plans (existing at the time of approval of the project or advance planning and engineering proposal) of public agencies for the development of the area in which the airport is located and will contribute to the accomplishment of the purposes of this Act, that sufficient funds are available for that portion of the project or planning and engineering costs which are not to be paid by the United States under this Act, that the project or planning and engineering will be completed without undue delay, that the public agency or public agencies which submitted the project application or planning and engineering proposal have legal authority to engage in the airport development as proposed, and that all project sponsorship requirements prescribed by or under the authority of this Act have been or will be met."

Administrative
approval.
60 Stat. 174;
75 Stat. 525.

SEC. 9. (a) Section 10(a) of such Act (49 U.S.C. 1109(a)) is amended to read as follows:

U.S. share of
project costs.

"General Provision

"SEC. 10. (a) Except as provided in subsections (b), (c), and (d) of this section, the United States share payable on account of any approved project under this Act shall not exceed 50 per centum of the allowable project costs."

(b) Section 10(b) of such Act (49 U.S.C. 1109(b)) is amended by striking out "(1), and the maximum United States share under subsection (a) (2),".

(c) Section 10(c) of such Act (49 U.S.C. 1109(c)) is amended by striking out the parentheses and all words within the parentheses and inserting "not to exceed 75 per centum,".

SEC. 10. Section 11 of such Act (49 U.S.C. 1110) is amended:

Adoption of
zoning laws.

(1) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively, and by inserting immediately after paragraph (3) the following new paragraph:

"(4) appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations including landing and take-off of aircraft;" and

(2) by striking out "(5)" in the last sentence and inserting in lieu thereof "(6)".

SEC. 11. Section 12 of such Act (49 U.S.C. 1111) is amended—

Terms and condi-
tions.
60 Stat. 177.

(1) by amending the first sentence to read as follows: "Upon approving an advance planning and engineering proposal or a project application, the Administrator, on behalf of the United States, shall transmit to the sponsor or sponsors of the advance planning and engineering proposal or project application an offer

to pay the United States share of the planning and engineering costs or allowable project costs.”;

(2) by striking out “of the project” where it appears in the third sentence; and

(3) by amending the last sentence to read as follows: “Unless and until such a grant agreement has been executed, the United States shall not pay, nor be obligated to pay, any portion of the costs which have been or may be incurred.”

Payments.
63 Stat. 603.

SEC. 12. Section 14 of such Act (49 U.S.C. 1113) is amended—

(1) by inserting “advance planning and engineering costs or” immediately before “allowable” in the second sentence;

(2) by striking out “of the project” each place it appears in the second and third sentences;

(3) by inserting “advance planning and engineering or” immediately before “airport development” each place it appears in the second and fourth sentences;

(4) by inserting “of advance planning and engineering costs or” immediately after “United States share” in the third sentence; and

(5) by inserting “planning and engineering or” immediately after “such” where it first appears in the fourth sentence.

Records require-
ments.

SEC. 13. The Federal Airport Act is amended further by inserting at the end thereof a new section as follows:

“ACCESS TO RECORDS

“SEC. 21. (a) Each recipient of grants under this Act shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such grants, the total cost of the plan or program in connection with which such grants are given or used, and the amount and nature of that portion of the cost of the plan or program supplied by other sources and such other records as will facilitate an effective audit.

“(b) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers and records of the recipient that are pertinent to the grants received under this Act.”

Approved March 11, 1964.

Public Law 88-281

AN ACT

March 11, 1964
[H. R. 9640]

To authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

Coast Guard.
Appropriation
authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of \$93,299,000 is authorized to be appropriated for the fiscal year 1965 for the use of the Coast Guard as follows:

VESSELS

For procurement of—

- (1) two high-endurance cutters;
- (2) eight medium-endurance cutters;
- (3) one coastal tender;
- (4) three inland tenders;
- (5) three small harbor tugs;

- (6) nine small patrol cutters; and
- (7) one river tender.

AIRCRAFT

For procurement of seventeen helicopters.

CONSTRUCTION

For establishment or development of Coast Guard installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including the preparation of sites and furnishing of appurtenances, utilities, and equipment for the following projects:

Atlantic Coast: Offshore light platforms at Diamond Shoals and Chesapeake Bay entrance.

Missouri River: Moorings for river tender.

Air Station, Elizabeth City, North Carolina: Replace runway.

Air Detachment, Annette Island, Alaska: Family housing units and support facilities.

Detroit, Michigan: Operational facilities for helicopter detachment.

Aircraft Repair and Supply Base, Elizabeth City, North Carolina: Maintenance facilities.

Air Detachment, San Juan, Puerto Rico: Maintenance and operational facilities.

Moorings, Mayport, Florida: Administrative, operational, and maintenance facilities.

San Juan, Puerto Rico: Family housing units and support facilities.

Depot, Guam: Replace operational, administrative, and supply facilities.

Wilmington, North Carolina: Moorings for large cutter.

Base, Ketchikan, Alaska: Improve maintenance facilities.

Base, Woods Hole, Massachusetts: Improve operational and maintenance facilities.

Academy, New London, Connecticut: Field house.

Loran Station, Sitkinak, Alaska: Replace runway.

Approved March 11, 1964.

Public Law 88-282

AN ACT

March 11, 1964
[S. 721]

To amend section 124 of title 28, United States Code, to transfer Austin, Fort Bend, and Wharton Counties from the Galveston Division to the Houston Division of the Southern District of Texas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (1) of section 124(b) of title 28, United States Code, is amended to read as follows:

“(1) The Galveston Division comprises the counties of Brazoria, Chambers, Galveston, and Matagorda.

“Court for the Galveston Division shall be held at Galveston.”

(b) Paragraph (2) of section 124(b) of title 28, United States Code, is amended to read as follows:

“(2) The Houston Division comprises the counties of Austin, Brazos, Colorado, Fayette, Fort Bend, Grimes, Harris, Madison, Montgomery, Polk, San Jacinto, Trinity, Walker, Waller, and Wharton.

“Court for the Houston Division shall be held at Houston.”

Approved March 11, 1964.

Texas.
District Court.
Transfer of
counties.
62 Stat. 892.

Public Law 88-283

March 13, 1964
[H. R. 8507]

AN ACT

For the relief of certain medical and dental officers of the Air Force.

Air Force.
Medical and
dental officers.
Relief.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any medical or dental officer, or former medical or dental officer, of the Air Force who was credited with an erroneous amount of service for pay purposes because of paragraph 5 of Personnel Orders Numbered 193, the National Guard Bureau, is relieved of all liability to the United States for amounts received by him as a result of such erroneous credit.

SEC. 2. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

SEC. 3. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each of the officers covered by section 1 of this Act an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States described in section 1 of this Act.

SEC. 4. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved March 13, 1964.

Public Law 88-284

March 17, 1964
[S. 1561]

AN ACT

To amend the Federal Employees Health Benefits Act of 1959 to remove certain inequities in the application of such Act, to improve the administration thereof, and for other purposes.

Federal Employ-
ees Health Bene-
fits Act of 1959,
amendment.
73 Stat. 708.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Employees Health Benefits Act of 1959 (5 U.S.C. 3001-3014) is hereby amended as follows:

(1) Section 2(c)(3) (5 U.S.C. 3001(c)(3)) is amended by striking out "as a result of injury sustained or illness contracted on or after such date of enactment".

(2) Section 2(c)(4) (5 U.S.C. 3001(c)(4)) is amended by striking out "on account of injury sustained or illness contracted on or after such date of enactment".

(3) Section 2(d) (5 U.S.C. 3001(d)) is amended—

(A) by inserting ", foster child," immediately following "step-child"; and

(B) by striking out "nineteen" wherever occurring therein and inserting in lieu thereof "twenty-one".

(4) Section 2(e) (5 U.S.C. 3001(e)) is repealed.

(5) Section 3(b)(1) (5 U.S.C. 3002(b)(1)) is amended—

(A) by striking out "whichever is shorter, or"; and

(B) by inserting in lieu thereof "or (C) the full period or periods of service beginning with the enrollment which became effective not later than December 31, 1964, and ending with the date on which he becomes an annuitant, whichever is shortest, or".

Repeal.

(6) Section 3 (5 U.S.C. 3002) is amended by adding at the end thereof the following new subsection:

“(g) Any annuitant (including an individual receiving monthly compensation as a result of injury sustained prior to the effective date specified in section 16 and who would be an annuitant if the injury or illness had been sustained or contracted on or after that date) who at the time he became an annuitant shall have been enrolled in a health benefits plan under this Act and who at the time he became an annuitant was ineligible to continue his enrollment may, upon his application before December 31, 1964, and under such other conditions of eligibility as the Commission may by regulation prescribe, prospectively enroll in an approved health benefits plan described in section 4, either as an individual or for self and family.”

Enrollment eligibility.

5 USC 3001 note.

5 USC 3003.

(7) Section 6(d) (5 U.S.C. 3005(d)) is amended by adding at the end thereof the following new sentence: “The Commission may terminate the contract of any carrier effective at the end of a contract term, if the Commission finds that at no time during the preceding two contract terms did the carrier have three hundred or more employees and annuitants (exclusive of family members) enrolled for its plan.”

Contract terminations, conditions.

(8) Section 6(f) (5 U.S.C. 3005(f)) is amended by striking out “, on such terms or conditions as are prescribed by the carrier and approved by the Commission”.

(9) Section 6(g) (5 U.S.C. 3005(g)) is amended by striking out “, at the option of the employee or annuitant,”.

(10) Section 7(a) (1) (5 U.S.C. 3006(a)(1)) is amended—

(A) by striking out the comma at the end of clause (A) thereof and inserting “and” in lieu of such comma; and

(B) by striking out “(other than as provided in clause (C) of this paragraph), and (C) not less than \$1.75 or more than \$2.50 biweekly for a female employee or annuitant enrolled for self and family including a nondependent husband”.

(11) Section 7(a) (2) (5 U.S.C. 3006(a)(2)) is amended to read as follows:

73 Stat. 713.

“(2) For an employee or annuitant enrolled in a plan described under section 4 (3) or (4) for which the biweekly subscription charge is less than twice the Government contribution established under paragraph (1) of this subsection, the Government contribution shall be 50 per centum of the subscription charge.”

Government contributions.

5 USC 3003.

(12) Section 8(b) (5 U.S.C. 3007(b)) is amended by inserting immediately after the first sentence thereof the following new sentences: “The Commission, from time to time and in such amounts as it considers appropriate, may transfer unused funds for administrative expenses to the contingency reserves of the plans then under contract with the Commission. When funds are so transferred, each contingency reserve shall be credited in proportion to the total amount of the subscription charges paid and accrued to the plan for the contract term immediately preceding the contract term in which the transfer is made.”

Contingency reserve.

(13) Section 8 (5 U.S.C. 3007) is amended by adding at the end thereof the following new subsection:

“(d)(1) Whenever the assets, liabilities, and membership of employee organizations sponsoring or underwriting plans approved under section 4(3) have been or are hereafter merged, the assets (including contingency reserves) and liabilities of the plans sponsored or underwritten by the merged organizations shall, at the beginning of the contract term next following the date of the merger or enactment of this subsection, be transferred to the plan sponsored or underwritten by the successor organization. Each employee or

Reserve funds, transfer.

annuitant hereafter affected by a merger shall also be transferred to the plan sponsored or underwritten by the successor organization unless he enrolls in another plan under this Act.

“(2) Except as provided in paragraph (1) of this subsection, whenever a plan described under section 4(3) or 4(4) is or has been discontinued under this Act, the contingency reserve of that plan shall be credited to the contingency reserves of the plans continuing under this Act for the contract term following that in which termination occurs, each reserve to be credited in proportion to the amount of the subscription charges paid and accrued to the plan for the year of termination.”

(14) Section 10(c) (5 U.S.C. 3009(c)) is amended to read as follows:

Reinstatement.

“(c) Any employee enrolled in a plan under this Act who is removed or suspended without pay and later reinstated or restored to duty on the ground that such removal or suspension was unjustified or unwarranted may, at his option, enroll as a new employee or have his coverage restored, with appropriate adjustments made in contributions and claims, to the same extent and effect as though such removal or suspension had not taken place.”

Effective date.

SEC. 2. Paragraphs (4), (10), and (11) of the first section of this Act shall become effective on the first day of the first pay period which begins at least ninety days after the date of enactment of this Act.

Approved March 17, 1964.

Public Law 88-285

AN ACT

March 17, 1964
[S. 2455]

To amend further the Peace Corps Act (75 Stat. 612), as amended.

Peace Corps.
Appropriation,
1965.
77 Stat. 359.
22 USC 2502.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Peace Corps Act, as amended, which authorizes appropriations to carry out the purposes of that Act, is amended by striking out “1964” and “\$102,000,000” and substituting “1965” and “\$115,000,000”, respectively.

Approved March 17, 1964.

Public Law 88-286

AN ACT

March 18, 1964
[H. R. 10051]

To amend Public Law 86-272, as amended, with respect to the reporting date.

Interstate commerce.
Taxation
studies.
Reporting date,
extension.
15 USC 381 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of Public Law 86-272 (73 Stat. 556), as amended, is amended to read as follows:

“SEC. 202. The committees shall report to their respective Houses the results of such studies, together with their proposals for legislation, on or before June 30, 1965.”

Approved March 18, 1964.

Public Law 88-287

AN ACT

March 18, 1964
[S. 1964]

To amend the District of Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners' permits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) (2) of section 7 of the District of Columbia Traffic Act, 1925 (43 Stat. 1119), as amended (62 Stat. 173; 68 Stat. 732; 76 Stat. 710; sec. 40-301(a) (2), D.C. Code, 1961 edition), be amended by striking "\$2" and inserting in lieu thereof "\$5".

District of
Columbia.
Learners' per-
mits, fee increase.

Approved March 18, 1964.

Public Law 88-288

AN ACT

March 20, 1964
[H. R. 9637]

To authorize appropriations during fiscal year 1965 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation, for the Armed Forces, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Armed Forces.
Appropriation
authorization,
1965.

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during fiscal year 1965 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, and naval vessels, as authorized by law, in amounts as follows:

Aircraft

For aircraft: For the Army, \$443,600,000; for the Navy and the Marine Corps, \$1,854,900,000; for the Air Force, \$3,663,000,000.

Missiles

For missiles: For the Army, \$282,600,000; for the Navy, \$660,100,000; for the Marine Corps, \$13,100,000; for the Air Force, \$1,730,000,000.

Naval Vessels

For naval vessels: For the Navy, \$1,966,000,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND
EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during fiscal year 1965 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, \$1,345,045,000;

For the Navy (including the Marine Corps), \$1,378,060,000;

For the Air Force, \$3,140,000,000, of which amount \$52,000,000 is available only for development of advanced manned strategic aircraft;

For Defense agencies, \$500,215,000.

Approved March 20, 1964.

Public Law 88-289

AN ACT

March 25, 1964
[S. 1878]

To amend the Act providing for the admission of the State of Alaska into the Union in order to extend the time for the filing of applications for the selection of certain lands by such State.

Alaska.
Lands, filing of
applications.

48 USC prec. 21
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (h) of section 6 of the Act entitled "An Act to provide for the admission of the State of Alaska into the Union", approved July 7, 1958 (72 Stat. 339), as amended, is amended by striking out "five years" and inserting in lieu thereof "ten years".

Approved March 25, 1964.

Public Law 88-290

AN ACT

March 26, 1964
[H. R. 950]

To amend the Internal Security Act of 1950.

Internal Security Act of 1950,
amendment.
64 Stat. 987.
50 USC 781 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Internal Security Act of 1950 is amended by adding at the end thereof the following new title:

**"TITLE III—PERSONNEL SECURITY PROCEDURES IN
NATIONAL SECURITY AGENCY**

"REGULATIONS FOR EMPLOYMENT SECURITY

"SEC. 301. Subject to the provisions of this title, the Secretary of Defense (hereafter in this title referred to as the 'Secretary') shall prescribe such regulations relating to continuing security procedures as he considers necessary to assure—

"(1) that no person shall be employed in, or detailed or assigned to, the National Security Agency (hereafter in this title referred to as the 'Agency'), or continue to be so employed, detailed, or assigned; and

"(2) that no person so employed, detailed, or assigned shall have access to any classified information;
unless such employment, detail, assignment, or access to classified information is clearly consistent with the national security.

"FULL FIELD INVESTIGATION AND APPRAISAL

"SEC. 302. (a) No person shall be employed in, or detailed or assigned to, the Agency unless he has been the subject of a full field investigation in connection with such employment, detail, or assignment, and is cleared for access to classified information in accordance with the provisions of this title; excepting that conditional employment without access to sensitive cryptologic information or material may be tendered any applicant, under such regulations as the Secretary may prescribe, pending the completion of such full field investigation: *And provided further,* That such full field investigation at the discretion of the Secretary need not be required in the case of persons assigned or detailed to the Agency who have a current security clearance for access

Conditional
employment.

to sensitive cryptologic information under equivalent standards of investigation and clearance. During any period of war declared by the Congress, or during any period when the Secretary determines that a national disaster exists, or in exceptional cases in which the Secretary (or his designee for such purpose) makes a determination in writing that his action is necessary or advisable in the national interest, he may authorize the employment of any person in, or the detail or assignment of any person to, the Agency, and may grant to any such person access to classified information, on a temporary basis, pending the completion of the full field investigation and the clearance for access to classified information required by this subsection, if the Secretary determines that such action is clearly consistent with the national security.

“(b) To assist the Secretary and the Director of the Agency in carrying out their personnel security responsibilities, one or more boards of appraisal of three members each, to be appointed by the Director of the Agency, shall be established in the Agency. Such a board shall appraise the loyalty and suitability of persons for access to classified information, in those cases in which the Director of the Agency determines that there is a doubt whether their access to that information would be clearly consistent with the national security, and shall submit a report and recommendation on each such a case. However, appraisal by such a board is not required before action may be taken under section 14 of the Act of June 27, 1944, chapter 287, as amended (5 U.S.C. 863), section 1 of the Act of August 26, 1950, chapter 803, as amended (5 U.S.C. 22-1), or any other similar provision of law. Each member of such a board shall be specially qualified and trained for his duties as such a member, shall have been the subject of a full field investigation in connection with his appointment as such a member, and shall have been cleared by the Director for access to classified information at the time of his appointment as such a member. No person shall be cleared for access to classified information, contrary to the recommendations of any such board, unless the Secretary (or his designee for such purpose) shall make a determination in writing that such employment, detail, assignment, or access to classified information is in the national interest.

Boards of appraisal.

58 Stat. 390;
61 Stat. 723.
64 Stat. 476.
Board members.
Qualifications.

“TERMINATION OF EMPLOYMENT

“SEC. 303. (a) Notwithstanding section 14 of the Act of June 27, 1944, chapter 287, as amended (5 U.S.C. 863), section 1 of the Act of August 26, 1950, chapter 803, as amended (5 U.S.C. 22-1), or any other provision of law, the Secretary may terminate the employment of any officer or employee of the Agency whenever he considers that action to be in the interest of the United States, and he determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of that officer or employee cannot be invoked consistently with the national security. Such a determination is final.

“(b) Termination of employment under this section shall not affect the right of the officer or employee involved to seek or accept employment with any other department or agency of the United States if he is declared eligible for such employment by the United States Civil Service Commission.

Employment with other agencies.

“(c) Notwithstanding section 133(d) of title 10, United States Code, any authority vested in the Secretary of Defense by subsection (a) may be delegated only to the Deputy Secretary of Defense or the Director of the National Security Agency, or both.

76 Stat. 517.
Delegation of authority.
Limitation.

"DEFINITION OF CLASSIFIED INFORMATION

"SEC. 304. For the purposes of this section, the term 'classified information' means information which, for reasons of national security, is specifically designated by a United States Government agency for limited or restricted dissemination or distribution.

"NONAPPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT

60 Stat. 237.

"SEC. 305. The Administrative Procedure Act, as amended (5 U.S.C. 1001 et seq.), shall not apply to the use or exercise of any authority granted by this title.

"AMENDMENTS

73 Stat. 63;
75 Stat. 789.

"SEC. 306. (a) The first sentence of section 2 of the Act of May 29, 1959 (50 U.S.C. 402 note), is amended by inserting ', without regard to the civil service laws,' immediately after 'and to appoint thereto'.

64 Stat. 1098.

"(b) Subsection (b) of section 2 of the Performance Rating Act of 1950 (5 U.S.C. 2001(b)) is amended—

"(1) by striking out the period at the end of paragraph (13) and inserting in lieu thereof a semicolon; and

"(2) by adding at the end thereof the following new paragraph:

"(14) The National Security Agency.'"

Approved March 26, 1964.

Public Law 88-291

AN ACT

March 26, 1964
[S. 1299]

To defer certain operation and maintenance charges of the Eden Valley Irrigation and Drainage District.

Eden Valley
Irrigation and
Drainage Dis-
trict, Wyoming.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to defer, without interest, the collection of irrigation operation and maintenance charges due for the last one-half of calendar year 1964 as shown in the May 17, 1963, notices of 1964 water charges to the Eden Valley Irrigation and Drainage District: *Provided*, That the Secretary and the district enter into a contract prior to June 1, 1964, for the payment by the district of such deferred charges during the sixty-year repayment period provided by the repayment contract of June 8, 1950, with said district: *Provided further*, That the Secretary of the Interior is authorized to defer all or any part of operation and maintenance charges due for the first one-half of calendar year 1965, as will be announced in a notice to be issued the district pursuant to article 8 of the repayment contract herein referred to, to the extent that he determines by June 1, 1964, that the water supply for 1964 is inadequate to meet project needs, such deferment without interest, to be contingent upon the Secretary and the district entering into a contract prior to December 1, 1964, for the payment by the district of such deferred charges over the repayment period provided by the repayment contract herein referred to. Appropriations heretofore or hereafter made for carrying on the functions of the Bureau of Reclamation shall be available for operation and maintenance of the Eden project to the extent that funds for operation and maintenance are deferred hereunder and therefore are not advanced by the Eden Valley Irrigation and Drainage District.

Approved March 26, 1964.

Availability of
appropriations.

Public Law 88-292

AN ACT

March 26, 1964
[S. 2040]

To amend title 35 of the United States Code to permit a written declaration to be accepted in lieu of an oath, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 35, United States Code, is amended by adding the following new sections after section 24:

Patent office
proceedings.
Declarations in
lieu of oaths.

“§ 25. Declaration in lieu of oath

“(a) The Commissioner may by rule prescribe that any document to be filed in the Patent Office and which is required by any law, rule, or other regulation to be under oath may be subscribed to by a written declaration in such form as the Commissioner may prescribe, such declaration to be in lieu of the oath otherwise required.

“(b) Whenever such written declaration is used, the document must warn the declarant that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001).

62 Stat. 749.

“§ 26. Effect of defective execution

“Any document to be filed in the Patent Office and which is required by any law, rule, or other regulation to be executed in a specified manner may be provisionally accepted by the Commissioner despite a defective execution, provided a properly executed document is submitted within such time as may be prescribed.”

SEC. 2. The analysis of chapter 2 of title 35, United States Code, immediately preceding section 21, is amended to read as follows:

66 Stat. 794.

“Sec.

“21. Day for taking action falling on Saturday, Sunday, or holiday.

“22. Printing of papers filed.

“23. Testimony in Patent Office cases.

“24. Subpoenas, witnesses.

“25. Declaration in lieu of oath.

“26. Effect of defective execution.”

Approved March 26, 1964.

Public Law 88-293

AN ACT

March 26, 1964
[S. 614]

To authorize the Secretary of the Interior to make water available for a permanent pool for fish and wildlife and recreation purposes at Cochiti Reservoir from the San Juan-Chama unit of the Colorado River storage project.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso to subdivision (e) of the conditions applicable to the project for improvement of the Rio Grande Basin authorized by section 203 of the Flood Control Act of 1960 (Public Law 86-645; 74 Stat. 493), is hereby supplemented to authorize, for conservation and development of fish and wildlife resources and for recreation, approximately fifty thousand acre-feet of water for the initial filling of a permanent pool of one thousand two hundred surface acres in Cochiti Reservoir, and thereafter sufficient water annually to offset the evaporation from such area, to be made available by the Secretary of the Interior from water diverted into the Rio Grande Basin by the works authorized by section 8 of the Act of June 13, 1962 (Public Law 87-483, 76 Stat. 97), subject to the conditions specified in sections 8, 12, 13, 14, and 16 of said Act. An appropriate share of the costs of said works shall be reallo-

Cochiti Reser-
voir.
Water for recre-
ational purposes.

43 USC 615pp,
615tt-615vv,
615xx.

cated to recreation and fish and wildlife, and said allocation, which shall not exceed \$3,000,000, shall be nonreimbursable and nonreturnable.

SEC. 2. Nothing contained in this Act shall be construed to increase the amount heretofore authorized to be appropriated for construction of the Colorado River storage project or any of its units.

Approved March 26, 1964.

Public Law 88-294

March 26, 1964
[S. 2448]

AN ACT

To amend the Atomic Energy Act of 1954.

Joint Committee
on Atomic Energy.
Hearings.
68 Stat. 956.
42 USC 2252.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 202 of the Atomic Energy Act of 1954 is hereby amended to read as follows: "During the first ninety days of each session of the Congress, the Joint Committee may conduct hearings in either open or executive session for the purpose of receiving information concerning the development, growth, and state of the atomic energy industry."

Approved March 26, 1964.

Public Law 88-295

March 27, 1964
[H. J. Res. 962]

JOINT RESOLUTION

Making a supplemental appropriation for the fiscal year ending June 30, 1964, for the Department of Labor, and for other purposes.

Labor Department.
Supplemental
appropriation,
1964.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1964, namely:

DEPARTMENT OF LABOR

BUREAU OF EMPLOYMENT SECURITY

UNEMPLOYMENT COMPENSATION FOR FEDERAL

EMPLOYEES AND EX-SERVICEMEN

For an additional amount for "Unemployment compensation for Federal employees and ex-servicemen", \$42,000,000.

Approved March 27, 1964.

Public Law 88-296

JOINT RESOLUTION

Making a supplemental appropriation for the fiscal year ending June 30, 1964,
for disaster relief, and for other purposes.

April 7, 1964
[H. J. Res. 976]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1964, namely:

Disaster relief.
Funds.

FUNDS APPROPRIATED TO THE PRESIDENT

DISASTER RELIEF

For an additional amount for "Disaster relief", \$50,000,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

Approved April 7, 1964.

Public Law 88-297

AN ACT

To encourage increased consumption of cotton, to maintain the income of cotton and wheat producers, to provide a voluntary marketing certificate program for the 1964 and 1965 crop of wheat, and for other purposes.

April 11, 1964
[H. R. 6196]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Act of 1964".

Agricultural Act
of 1964.

TITLE I—COTTON

SEC. 101. The Agricultural Adjustment Act of 1938, as amended, is amended by adding the following new section:

52 Stat. 31.
7 USC 1281.

"SEC. 348. In order to maintain and expand domestic consumption of upland cotton produced in the United States and to prevent discrimination against the domestic users of such cotton, notwithstanding any other provision of law, the Commodity Credit Corporation, under such rules and regulations as the Secretary may prescribe, is authorized and directed for the period beginning with the date of enactment of this section and ending July 31, 1966, to make payments through the issuance of payment-in-kind certificates to persons other than producers in such amounts and subject to such terms and conditions as the Secretary determines will eliminate inequities due to differences in the cost of raw cotton between domestic and foreign users of such cotton, including such payments as may be necessary to make raw cotton in inventory on the date of enactment of this section available for consumption at prices consistent with the purposes of this section: *Provided*, That for the period beginning August 1 of the marketing year for the first crop for which price support is made available under section 103(b) of the Agricultural Act of 1949, as amended, and ending July 31, 1966, such payments shall be made in an amount which will make upland cotton produced in the United States available for domestic use at a price which is not in excess of the price at which such cotton is made available for export."

Payment-in-kind certificates, issuance.

Post, p. 174.

7 USC 1385.

SEC. 102. Section 385 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following: "This section also shall be applicable to payments provided for under section 348 of this title."

72 Stat. 993.

7 USC 1441

note.

Research program.

SEC. 103. (a) Section 104 of the Agricultural Act of 1949, as amended, is amended by adding the following new subsection:

"(c) The Secretary of Agriculture is hereby authorized and directed to conduct a special cotton research program designed to reduce the cost of producing upland cotton in the United States at the earliest practicable date. There are hereby authorized to be appropriated such sums, not to exceed \$10,000,000 annually, as may be necessary for the Secretary to carry out this special research program. The Secretary shall report annually to the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture and Forestry of the Senate with respect to the results of such research."

Report to congressional committees.

Price support levels.

72 Stat. 989.

7 USC 1444.

(b) Section 103 of the Agricultural Act of 1949, as amended, is amended (1) by inserting "(a)" before the first sentence thereof; (2) by changing the period at the end of the second sentence thereof to a colon and adding the following: "Provided, That the price support for the 1964 crop shall be a national average support price which reflects 30 cents per pound for Middling one-inch cotton."; and (3) by adding at the end of such section the following new subsections:

"(b) If producers have not disapproved marketing quotas, the Secretary shall provide additional price support on the 1964 and 1965 crops of upland cotton to cooperators on whose farms the acreage planted to upland cotton for harvest does not exceed the farm domestic allotment established under section 350 of the Agricultural Adjustment Act of 1938, as amended. Such additional support shall be at a level up to 15 per centum in excess of the basic level of support established under subsection (a) and shall be provided on the normal yield of the acreage planted for harvest within the farm domestic allotment.

Post, p. 175.

Loan assistance, etc.

"(c) In order to keep upland cotton to the maximum extent practicable in the normal channels of trade, any additional price support under subsection (b) of this section may be carried out through the simultaneous purchase of cotton at the support price therefor under subsection (b) and the sale of such cotton at the support price therefor under subsection (a) or similar operations, including loans under which the cotton would be redeemable by payment of the amount for which the cotton would be redeemable if the loan thereon had been made at the support price for such cotton under subsection (a), or payments-in-kind through the issuance of certificates which the Commodity Credit Corporation shall redeem for cotton under regulations issued by the Secretary. If such additional support is provided through the issuance of payment-in-kind certificates, such certificates shall have a value per pound of cotton equal to the difference between the level of support established under subsection (a) and the level of support established under subsection (b). The corporation may, under regulations prescribed by the Secretary, assist the producers and persons receiving payment-in-kind certificates under this section and section 348 of the Agricultural Adjustment Act of 1938, as amended, in the marketing of such certificates at such time and in such manner as the Secretary determines will best effectuate the purposes of the program authorized by this section and such section 348. In the case of any certificate not presented for redemption within thirty days of the date of its issuance, reasonable costs of storage and other carrying charges as determined by the Secretary for the period begin-

Ante, p. 173.

ning thirty days after its issuance and ending with the date of its presentation for redemption shall be deducted from the value of the certificate."

(c) Section 401(b) of the Agricultural Act of 1949, as amended, is amended by striking in the second sentence thereof before "(8)" the word "and", changing the period at the end thereof to a comma and adding the following: "and (9), in the case of upland cotton, changes in the cost of producing such cotton".

63 Stat. 1054.
7 USC 1421.

SEC. 104. Section 407 of the Agricultural Act of 1949, as amended, is amended by inserting after the first proviso in the third sentence thereof the following: "Provided further, That beginning August 1, 1964, the Commodity Credit Corporation may sell upland cotton for unrestricted use at not less than 105 per centum of the current loan rate for such cotton under section 103(a) plus reasonable carrying charges."

Sale of commodities.
72 Stat. 993.
7 USC 1427.

Ante, p. 174.

SEC. 105. The Agricultural Adjustment Act of 1938, as amended, is amended by adding a new section as follows:

52 Stat. 31.
7 USC 1281.

"SEC. 350. In order to provide producers with a choice program of reduced acreage and higher price support, the Secretary shall establish for each farm for the 1964 and 1965 crops of upland cotton a farm domestic allotment in acres. The farm domestic allotment shall be the percentage which the national domestic allotment is of the national acreage allotment established under section 344(a) applied as a percentage of the smaller of (1) the farm acreage allotment established under section 344, or (2) the higher acreage actually planted or regarded as planted on the farm (excluding acreage regarded as planted under sections 344(m)(2) and 377) in the two years preceding the year for which such allotment is established: *Provided*, That any farm planting 90 per centum or more of the allotment shall, for the purpose of (2) above, be considered as having planted the entire farm allotment: *Provided further*, That, except for farms the acreage allotments of which are reduced under section 344(m), the farm domestic allotment shall not be less than the smaller of 15 acres or the farm acreage allotment established under section 344, but this proviso shall be applicable to the 1964 crop without regard to the exception stated herein. The national domestic acreage allotment for any crop shall be that acreage, based upon the national average yield per acre of cotton for the four years immediately preceding the calendar year in which the national acreage allotment is proclaimed, required to make available from such crop an amount of upland cotton equal to the estimated domestic consumption for the marketing year for such crop. The Secretary shall proclaim the national domestic acreage allotment for the 1964 crop not later than April 1, 1964, and for each subsequent crop not later than December 15 of the calendar year preceding the year in which the crop is to be produced."

Acreage allotment.

63 Stat. 670.
7 USC 1344.

73 Stat. 394,
393.
7 USC 1344,
1377.

SEC. 106. The Agricultural Adjustment Act of 1938, as amended, is amended as follows:

52 Stat. 31.
7 USC 1281.

(1) The following new section is added to the Act:

"SEC. 349. (a) The acreage allotment established under the provisions of section 344 of this Act for each farm for the 1964 crop may be supplemented by the Secretary by an acreage equal to such percentage, but not more than 10 per centum, of such acreage allotment as he determines will not increase the carryover of upland cotton at the beginning of the marketing year for the next succeeding crop above one million bales less than the carryover on the same date one year earlier, if the carryover on such earlier date exceeds eight million bales. For the 1965 crop, the Secretary may, after such hearing and investigation as he finds necessary, announce an export market acreage which

Export market acreage.

he finds will not increase the carryover of upland cotton at the beginning of the marketing year for the next succeeding crop above one million bales less than the carryover on the same date one year earlier, if the carryover on such earlier date exceeds eight million bales. Such export market acreage shall be apportioned to the States on the basis of the State acreage allotments established under section 344 and apportioned by the States to farms receiving allotments under section 344, pursuant to regulations issued by the Secretary, after considering applications for such acreage filed with the county committee of the county in which the farm is located. The 'export market acreage' on any farm shall be the number of acres, not exceeding the maximum export market acreage for the farm established pursuant to this subsection, by which the acreage planted to cotton on the farm exceeds the farm acreage allotment. For purposes of sections 345 and 374 of this Act and the provisions of any law requiring compliance with a farm acreage allotment as a condition of eligibility for price support or payments under any farm program, the farm acreage allotment for farms with export market acreage shall be the sum of the farm acreage allotment established under section 344 and the maximum export market acreage. Export market acreage shall be in addition to the county, State, and National acreage allotments and shall not be taken into account in establishing future State, county, and farm acreage allotments. The provisions of this section shall not apply to extra-long-staple cotton or to any farm which receives price support under section 103(b) of the Agricultural Act of 1949, as amended.

"(b) The producers on any farm on which there is export market acreage or the purchasers of cotton produced thereon shall, under regulations issued by the Secretary, furnish a bond or other undertaking prescribed by the Secretary providing for the exportation, without benefit of any Government cotton export subsidy and within such period of time as the Secretary may specify, of a quantity of cotton produced on the farm equal to the average yield for the farm multiplied by the export market acreage as determined pursuant to regulations issued by the Secretary. The bond or other undertaking given pursuant to this section shall provide that, upon failure to comply with the terms and conditions thereof, the person furnishing such bond or other undertaking shall be liable for liquidated damages in an amount which the Secretary determines and specifies in such undertaking will approximate the amount payable on excess cotton under section 346(a). The Secretary may, in lieu of the furnishing of a bond or other undertaking, provide for the payment of an amount equal to that which would be payable as liquidated damages under such bond or other undertaking. If such bond or other undertaking is not furnished, or if payment in lieu thereof is not made as provided herein, at such time and in the manner required by regulations of the Secretary, or if the acreage planted to cotton on the farm exceeds the farm acreage allotment established under the provisions of section 344 by more than the maximum export market acreage, the farm acreage allotment shall be the acreage so established under section 344. Amounts collected by the Secretary under this section shall be remitted to the Commodity Credit Corporation and used by the Corporation to defray costs of encouraging export sales of cotton under section 203 of the Agricultural Act of 1956, as amended."

(2) Section 376 of the Act is amended by adding at the end thereof the following: "This section also shall be applicable to liquidated damages provided for pursuant to section 349 of this title."

63 Stat. 674.
7 USC 1345.
52 Stat. 65;
63 Stat. 676;
68 Stat. 904.
7 USC 1374.

Ante, p. 174.

52 Stat. 57, 203.
7 USC 1344.

70 Stat. 199.
7 USC 1853.
7 USC 1376.

63 Stat. 670.
7 USC 1349.

(3) Subsection (f)(8) of section 344 of the Act is amended by inserting after the language "75 per centum of the farm allotment for such year" the following: "or, in the case of a farm which qualified for price support on the crop produced in such year under section 103(b) of the Agricultural Act of 1949, as amended, 75 per centum of the farm domestic allotment established under section 350 for such year, whichever is smaller".

73 Stat. 393.
7 USC 1344.

Ante, p. 174.

(4) Section 377 of the Act is amended by inserting in the first proviso after the language "75 per centum or more of the farm acreage allotment for such year" the following: "or, in the case of upland cotton on a farm which qualified for price support on the crop produced in any such year under section 103(b) of the Agricultural Act of 1949, as amended, 75 per centum of the farm domestic allotment established under section 350 for any such year, whichever is smaller".

73 Stat. 393.
7 USC 1377.

(5) Subsection (b)(13)(B) of section 301 of the Act is amended by deleting the words "cotton or".

54 Stat. 728.
7 USC 1301.

(6) Subsection (b)(13)(G) of section 301 of the Act is amended by deleting "cotton," wherever it appears.

(7) Subsection (b)(13) of section 301 of the Act is amended by adding after subparagraph (G) new subparagraphs as follows:

"(H) 'Normal yield' for any county, for any crop of cotton, shall be the average yield per acre of cotton for the county, adjusted for abnormal weather conditions and any significant changes in production practices during the five calendar years immediately preceding the year in which the national marketing quota for such crop is proclaimed. If for any such year the data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, shall be used as the actual yield for such year.

Normal yield.

"(I) 'Normal yield' for any farm, for any crop of cotton, shall be the average yield per acre of cotton for the farm, adjusted for abnormal weather conditions and any significant changes in production practices during the three calendar years immediately preceding the year in which such normal yield is determined. If for any such year the data are not available, or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with regulations of the Secretary, taking into consideration abnormal weather conditions, the normal yield for the county, changes in production practices, and the yield in years for which data are available."

(8) Subsection (n) of section 344 of the Act is amended—

(A) by striking out the first sentence of such subsection and inserting in lieu thereof the following: "Notwithstanding any other provision of this Act, if the Secretary determines for any year that because of a natural disaster a portion of the farm cotton acreage allotments in a county cannot be timely planted or replanted in such year, he may authorize for such year the transfer of all or a part of the cotton acreage allotment for any farm in the county so affected to another farm in the county or in an adjoining county on which one or more of the producers on the farm from which the transfer is to be made will be engaged in the production of cotton and will share in the proceeds thereof, in accordance with such regulations as the Secretary may prescribe."; and

(B) by striking out in the proviso in the second sentence of such subsection "1963" and inserting in lieu thereof "any year".

72 Stat. 186;
77 Stat. 13.
7 USC 1344.

TITLE II—WHEAT

SEC. 201. Notwithstanding any other provision of law—

(1) the Secretary shall not proclaim a national marketing quota for the 1965 crop of wheat and farm marketing quotas shall not be in effect for such crop of wheat;

(2) the Secretary shall proclaim a national acreage allotment for the 1965 crop of wheat which shall be the number of acres which the Secretary determines will make available an adequate supply of wheat, but shall not be less than forty-nine million five hundred thousand acres.

SEC. 202. The Agricultural Adjustment Act of 1938, as amended, is amended as follows:

(1) Section 334(a) is amended by inserting “and less the special acreage reserve provided for in this subsection” in the first sentence after “in this subsection”; by changing the period at the end of the first sentence to a colon and adding the following: “*Provided further*, That in establishing State acreage allotments, the acreage seeded for the production of wheat plus the acreage diverted for 1965 for any farm shall be the base acreage of wheat determined for the farm under the regulations issued by the Secretary for determining farm wheat acreage allotments for such year.”; and by adding at the end of the section the following:

“There shall also be made available, beginning with the 1965 crop, a special acreage reserve of not in excess of one million acres as determined by the Secretary to be desirable for the purposes hereof which shall be in addition to the national acreage reserve provided for in this subsection. Such special acreage reserve shall be used to make additional allotments to counties on the basis of the relative needs of counties, as determined by the Secretary, for additional allotment to make adjustments in the allotments on old wheat farms (i.e., farms on which wheat has been seeded or regarded as seeded to one or more of the three crops immediately preceding the crop for which the allotment is established) on which the ratio of wheat acreage allotment to cropland on the farm is less than one-half the average ratio of wheat acreage allotment to cropland on old wheat farms in the county. Such adjustments shall not provide an allotment for any farm which would result in an allotment-cropland ratio for the farm in excess of one-half of such county average ratio and the total of such adjustments in any county shall not exceed the acreage made available therefor in the county. Such apportionment from the special acreage reserve shall be made only to counties where wheat is a major income-producing crop, only to farms on which there is limited opportunity for the production of an alternative income-producing crop, and only if an efficient farming operation on the farm requires the allotment of additional acreage from the special acreage reserve. For the purposes of making adjustments hereunder the cropland on the farm shall not include any land developed as cropland subsequent to the 1963 crop year.”

(2) Section 334(b) is amended by changing the period at the end thereof to a colon and adding the following: “*Provided further*, That in establishing county acreage allotments, the acreage seeded for the production of wheat plus the acreage diverted for 1965 for any farm shall be the base acreage of wheat determined for the farm under the regulations issued by the Secretary for determining farm wheat acreage allotments for such year.”

(3) Section 334(c) (1) is amended by inserting “or 1965” in the third sentence, clauses (i) and (ii), after “1958” wherever it appears, and by inserting “except 1965” in the third sentence, clause (iii), after the language “any subsequent year”.

52 Stat. 31.
7 USC 1281.

Special acre-
age reserve.
7 USC 1334.

52 Stat. 53;
72 Stat. 78.
7 USC 1334.

75 Stat. 296.

(4) Section 334(g) is amended by inserting "except 1965" in the first sentence after the language "in 1958 or thereafter".

70 Stat. 1117.

(5) Section 334 is amended by adding at the end thereof the following new subsection:

"(k) Notwithstanding any other provision of this Act, if the Secretary determines that because of a natural disaster a portion of the farm wheat acreage allotments in a county cannot be timely planted or replanted, he may authorize the transfer of all or a part of the wheat acreage allotment for any farm in the county so affected to another farm in the county or in an adjoining county on which one or more of the producers on the farm from which the transfer is to be made will be engaged in the production of wheat and will share in the proceeds thereof, in accordance with such regulations as the Secretary may prescribe. Any farm allotment transferred under this subsection shall be deemed to be planted on the farm from which it was transferred for the purposes of acreage history credits under this Act."

Natural disasters.
Transfers.

(6) Section 336 is amended by striking out "not later than sixty days after such proclamation is published in the Federal Register" and substituting "not later than August 1 of the calendar year in which such national marketing quota is proclaimed".

76 Stat. 621.
7 USC 1336 and
note.

(7) Section 339(a)(1) is amended, effective only with respect to the crops planted for harvest in 1964 and 1965, to read as follows:

Land use.
76 Stat. 622.
7 USC 1339.

"(a)(1) As a condition of eligibility for wheat marketing certificates with respect to any farm, the producers on such farm shall be required to divert from the production of wheat to an approved conservation use an acreage of cropland on the farm equal to the number of acres determined by multiplying the farm acreage allotment by the diversion factor, and to participate in any program formulated under subsection (b) to the extent prescribed by the Secretary. Such diversion factor shall be determined by dividing the number of acres by which the national acreage allotment is reduced below fifty-five million acres by the number of acres in the national acreage allotment."

76 Stat. 622.
7 USC 1339.

(8) Section 339(b) is amended (1) by inserting after the first sentence the following: "Any producer who complies with his 1964 farm acreage allotment for wheat and with the other requirements of the program shall be eligible to receive payments under the program for the 1964 crop of wheat."; and (2) by inserting in the first sentence "for wheat not accompanied by marketing certificates" after "basic county support rate".

(9) Section 339(h) is amended by striking out "June 30, 1963" and substituting "June 30, 1965".

(10) Section 379b is amended effective only with respect to the crops planted for harvest in 1964 and 1965 to read as follows:

76 Stat. 626.
7 USC 1379b.

"SEC. 379b. A wheat marketing allocation program as provided in this subtitle shall be in effect for the marketing years for the 1964 and 1965 crops. Whenever a wheat marketing allocation program is in effect for any marketing year the Secretary shall determine (1) the wheat marketing allocation for such year which shall be the amount of wheat he estimates will be used during such year for food products for consumption in the United States and that portion of the amount of wheat which he estimates will be exported in the form of wheat or products thereof during the marketing year on which the Secretary determines that marketing certificates shall be issued to producers in order to achieve, insofar as practicable, the price and income objectives of this subtitle, and (2) the national allocation percentage for such year which shall be the percentage which the national marketing allocation is of the national marketing quota proclaimed for the 1964 crop, less the expected production on the acreage allotments for farms which will not be in compliance with the requirements of the program.

Wheat marketing allocation.

Each farm shall receive a wheat marketing allocation for such marketing year equal to the number of bushels obtained by multiplying the number of acres in the farm acreage allotment for wheat by the normal yield of wheat for the farm as determined by the Secretary, and multiplying the resulting number of bushels by the national allocation percentage."

(11) The second sentence of section 379b, effective with respect to the crops planted for harvest in the calendar year 1966 and any subsequent year, is amended by striking out "human consumption in the United States, as food, food products, and beverages, composed wholly or partly of wheat" and substituting "food products for consumption in the United States".

Marketing cer-
tificates.
7 USC 1379c.

(12) Section 379c(a) is amended by inserting "under section 379c(b) or" after "stored" in the second sentence; by changing the period at the end of the second sentence to a comma and adding the following: "and if this limitation operates to reduce the amount of wheat marketing certificates which would otherwise be issued with respect to the farm, such reduction shall be made first from the amount of export certificates which would otherwise be issued."; and by adding at the end of the section the following: "The Secretary shall, in accordance with such regulation as he may prescribe, provide for the issuance of domestic marketing certificates for the portion of the wheat marketing allocation representing wheat used for food products for consumption in the United States and for the issuance of export marketing certificates for the portion of the wheat marketing allocation used for exports."

76 Stat. 622.
7 USC 1339.

(13) Section 379c(b) of the Agricultural Adjustment Act of 1938, as amended, is amended, effective only with respect to the crop planted for harvest in the calendar year 1965, by adding at the end thereof the following: "For purposes of this section, but not for purposes of diversion payments under subsection (b) of section 339, a producer shall be deemed not to have exceeded the farm acreage allotment for wheat if the acreage in excess of the farm acreage allotment does not exceed 50 per centum of the farm acreage allotment and the amount of wheat produced on the acreage in excess of the farm acreage allotment is stored in accordance with regulations issued by the Secretary. The amount of wheat required to be stored hereunder shall be an amount equal to twice the normal yield of wheat per acre established for the farm multiplied by the number of acres of such crop of wheat on the farm in excess of the farm acreage allotment for such crop unless the producer, in accordance with regulations prescribed by the Secretary and within the time prescribed therein, establishes to the satisfaction of the Secretary the actual production of such crop of wheat on the farm. If such actual production is so established, the amount of wheat required to be stored shall be such actual production less the actual production of the farm wheat acreage allotment based upon the average yield per acre for the entire wheat acreage on the farm: *Provided however*, That the amount of wheat required to be stored shall not be larger than the amount by which the actual production so established exceeds the normal production of the farm wheat acreage allotment. At the time and to the extent of any depletion in the amount of wheat so stored, except depletion resulting from the release of wheat from storage on account of underplanting or underproduction, as provided below or depletion resulting from some cause beyond the control of the producer, the producer shall pay an amount to the Secretary equal to one and one-half times the value of the wheat marketing certificates issued with respect to the farm for the year in which the wheat on the acreage in excess of the allotment was pro-

Storage condi-
tions.

duced. Whenever the planted acreage of the then current crop of wheat on the farm is less than the farm acreage allotment, the total amount of wheat from any previous crops stored hereunder or stored in order to avoid or postpone a marketing quota penalty shall be reduced by that amount which is equal to the normal production of the number of acres by which the farm acreage allotment exceeds the planted acreage, and whenever the actual production of the acreage of wheat is less than the normal production of the farm acreage allotment, the total amount of wheat from any previous crops stored hereunder or in order to avoid a marketing quota penalty shall be reduced by that amount which together with the actual production of the then current crop will equal the normal production of the farm acreage allotment."

(14) Section 379c(c) is amended to read as follows:

"(c) The Secretary shall determine and proclaim for each marketing year the face value per bushel of wheat marketing certificates. The face value per bushel of domestic certificates shall be the amount by which the level of price support for wheat accompanied by domestic certificates exceeds the level of price support for wheat not accompanied by certificates (noncertificate wheat); and the face value per bushel of export certificates shall be the amount by which the level of price support for wheat accompanied by export certificates exceeds the level of price support for noncertificate wheat."

Certificates,
face value.
76 Stat. 627.
7 USC 1379c.

(15) Section 379d(a) is amended (1) by striking the first and last sentences therefrom, and (2) by striking from the second sentence remaining "by persons other than the producer to whom such certificates are issued" and substituting "by any person".

7 USC 1379d.

(16) Section 379d(b) is amended to read as follows:

"(b) During any marketing year for which a wheat marketing allocation program is in effect, (i) all persons engaged in the processing of wheat into food products shall, prior to marketing any such food product or removing such food product for sale or consumption, acquire domestic marketing certificates equivalent to the number of bushels of wheat contained in such product and (ii) all persons exporting wheat shall, prior to such export, acquire export marketing certificates equivalent to the number of bushels so exported. In order to expand international trade in wheat and wheat flour and promote equitable and stable prices therefor the Commodity Credit Corporation shall, upon the exportation from the United States of any wheat or wheat flour, make a refund to the exporter or allow him a credit against the amount payable by him for marketing certificates, in such amount as the Secretary determines will make United States wheat and wheat flour generally competitive in the world market, avoid disruption of world market prices, and fulfill the international obligations of the United States. The Secretary may exempt wheat exported for donation abroad and other noncommercial exports of wheat and wheat processed for use on the farm where grown from the requirements of this subsection. Marketing certificates shall be valid to cover only sales or removals for sale or consumption or exportations made during the marketing year with respect to which they are issued, and after being once used to cover a sale or removal for sale or consumption or export of a food product or an export of wheat shall be void and shall be disposed of in accordance with regulations prescribed by the Secretary. Notwithstanding the foregoing provisions hereof, the Secretary may require marketing certificates issued for any marketing year to be acquired to cover sales, removals, or exportations made on or after the date during the calendar year in which wheat harvested in such calendar year begins to be marketed as determined by the Secre-

Wheat.
International
trade, expansion.

Refunds or
credits for cer-
tificates.

Exemptions
from require-
ments.

tary even though such wheat is marketed prior to the beginning of the marketing year, and marketing certificates for such marketing year shall be valid to cover sales, removals, or exportations made on or after the date so determined by the Secretary."

"Food products."

76 Stat. 628,
7 USC 1379d.

(17) Section 379d(d) is amended to read as follows:

"(d) As used in this subtitle, the term 'food products' means flour, semolina, farina, bulgur, beverage, and any other product composed wholly or partly of wheat which the Secretary may determine to be a food product."

Price support levels.

76 Stat. 630,
7 USC 1445a.

SEC. 203. Section 107 of the Agricultural Act of 1949, as amended, is amended to read as follows:

"SEC. 107. Notwithstanding the provisions of section 101 of this Act, beginning with the 1964 crop—

63 Stat. 1051,
7 USC 1441.

"(1) Price support for wheat accompanied by domestic certificates shall be at such level not less than 65 per centum or more than 90 per centum of the parity price therefor as the Secretary determines appropriate, taking into consideration the factors specified in section 401(b).

7 USC 1421.

"(2) Price support for wheat accompanied by export certificates shall be at such level not more than 90 per centum of the parity price therefor as the Secretary determines appropriate, taking into consideration the factors specified in section 401(b).

"(3) Price support for wheat not accompanied by marketing certificates shall be at such level, not in excess of 90 per centum of the parity price therefor, as the Secretary determines appropriate, taking into consideration competitive world prices of wheat, the feeding value of wheat in relation to feed grains, and the level at which price support is made available for feed grains.

"(4) Price support shall be made available only to cooperators; and, if a commercial wheat-producing area is established for such crop, price support shall be made available only in the commercial wheat-producing area.

"(5) Effective with respect to crops planted for harvest in the calendar year 1966 and any subsequent year, the level of price support for any crop of wheat for which a national marketing quota is not proclaimed or for which marketing quotas have been disapproved by producers shall be as provided in section 101.

63 Stat. 1051,
7 USC 1441.

"Cooperator."

"(6) A 'cooperator' with respect to any crop of wheat produced on a farm shall be a producer who (i) does not knowingly exceed (A) the farm acreage allotment for wheat on the farm or (B) except as the Secretary may by regulation prescribe, the farm acreage allotment for wheat on any other farm on which the producer shares in the production of wheat, and (ii) complies with the land-use requirements of section 339 of the Agricultural Adjustment Act of 1938, as amended, to the extent prescribed by the Secretary. Effective with respect to crops planted for harvest in the calendar year 1966 and any subsequent year, if marketing quotas are not in effect for the crop of wheat, a 'cooperator' with respect to any crop of wheat produced on a farm shall be a producer who does not knowingly exceed the farm acreage allotment for wheat. No producer shall be deemed to have exceeded a farm acreage allotment for wheat if the entire amount of the farm marketing excess is delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone payment of the penalty, but the producer shall not be eligible to receive price support on such marketing excess. No producer shall be deemed to have exceeded the farm acreage allotment for wheat

76 Stat. 622,
7 USC 1339.

on any other farm, if such farm is exempt from the farm marketing quota for such crop under section 335. No producer shall be deemed to have exceeded a farm acreage allotment for wheat if the production on the acreage in excess of the farm acreage allotment is stored pursuant to the provisions of section 379c(b), but the producer shall not be eligible to receive price support on the wheat so stored."

76 Stat. 621.
7 USC 1335.

7 USC 1379c.

SEC. 204. Section 407 of the Agricultural Act of 1949, as amended, is amended, effective only with respect to the marketing years beginning in the calendar years 1964 and 1965, and by striking the second proviso from the third sentence, and substituting: "*Provided further*, That if a wheat marketing allocation program is in effect, the current support price for wheat shall be the support price for wheat not accompanied by marketing certificates."

63 Stat. 1055.
7 USC 1427.

Approved April 11, 1964, 12:30 p.m.

Public Law 88-298

JOINT RESOLUTION

Providing for the recognition and endorsement of the Seventeenth International Publishers Congress.

April 17, 1964
[S. J. Res. 120]

Whereas the United States has, for the first time, been accorded the honor of receiving several hundred delegates from more than twenty countries throughout the world in May and June 1965 to participate in deliberations on the challenges and opportunities of international book and music publishing: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby extends its official welcome to the book and music publishers from abroad who will attend the Seventeenth Congress of the International Publishers Association in Washington, District of Columbia, May 30–June 5, 1965, under the sponsorship of the American Book Publishers Council, Inc., and the Music Publishers Association, Inc. The President is authorized and requested to grant recognition, in such ways as he may deem proper, to the International Publishers Congress, calling upon officials and agencies of the Government to provide such assistance, facilities, and cooperation as the occasion may warrant.

Seventeenth International Publishers Congress.

Approved April 17, 1964.

Public Law 88-299

AN ACT

To amend the Act entitled "An Act to organize and microfilm the papers of Presidents of the United States in the collections of the Library of Congress."

April 27, 1964
[H. R. 8465]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to organize and microfilm the papers of the Presidents of the United States in the collections of the Library of Congress" (71 Stat. 368) is hereby amended by striking out section 2 by which there was authorized the appropriation of a sum of \$720,000 to remain available until expended and by substituting the following:

Presidential papers.
Microfilming.

2 USC 131 note.

"SEC. 2. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act."

Appropriation.

Approved April 27, 1964.

Public Law 88-300

April 29, 1964
[S. 2394]

AN ACT

To facilitate compliance with the convention between the United States of America and the United Mexican States, signed August 29, 1963, and for other purposes.

American-Mexi-
can Chamizal Con-
vention Act of
1964.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "American-Mexican Chamizal Convention Act of 1964."

In connection with the convention between the United States of America and the United Mexican States for the solution of the problem of the Chamizal, signed August 29, 1963, the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized—

Investigations.

a. to conduct technical and other investigations relating to: the demarcation or monumentation of the boundary between the United States and Mexico; flood control; water resources; sanitation and prevention of pollution; channel relocation, improvement, and stabilization; and other matters related to the new river channel.

Acquisition of
lands.

b. to acquire by donation, purchase, or condemnation, all lands required—

- (1) for transfer to Mexico as provided in said convention;
- (2) for construction of that portion of the new river channel and the adjoining levee in the territory of the United States;

Relocation of
facilities.

(3) for relocation of highways, roadways, railroads, telegraph, telephone, electric transmission lines, bridges, related facilities, and any publicly owned structure or facility, the relocation of which, in the judgment of the said Commissioner, is necessitated by the project.

c. For the purpose of effecting said relocations—

- (1) to perform any or all work involved in said relocations;
- (2) to enter into contracts with the owners of properties to be relocated whereby they undertake to acquire any or all properties needed for said relocations, or undertake to perform any or all work involved in said relocations;
- (3) to convey or exchange properties acquired or improved by the United States under this Act or under said convention, with or without improvements, or to grant term or perpetual easements therein or thereover.

Maintenance.

SEC. 2. The United States Commissioner is authorized to construct, operate, and maintain all works provided for in said convention and this Act, and to turn over the operation and maintenance of any such works to any Federal agency, or any State, county, municipality, district, or other political subdivision within which such project or works may be in whole or in part situated, upon such terms, conditions, and requirements as the Commissioner may deem appropriate.

Regulations.

SEC. 3. The United States Commissioner, under regulations approved by the Secretary of State, and upon application of the owners and tenants of lands to be acquired by the United States to fulfill and accomplish the purposes of said convention, and to the extent administratively determined by the Commissioner to be fair and reasonable, is authorized to—

Reimbursement
of owners and
tenants.
Limitation.

a. Reimburse the owners and tenants for expenses and other losses and damages incurred by them in the process and as a direct result of such moving of themselves, their families, and their possessions as is occasioned by said acquisition: *Provided*, That the total of such reimbursement to the owners and tenants of any par-

cel of land shall in no event exceed 25 per centum of its fair value, as determined by the Commissioner. No payment under this subsection shall be made unless application therefor is supported by an itemized and certified statement of the expenses, losses, and damages incurred.

b. Compensate the said owners and tenants for identifiable, reasonable, and satisfactorily proved costs and losses to owners and tenants over and above those reimbursed under the foregoing subsection in the categories hereinafter provided, and for which purpose there shall be established by the Commissioner a board of examiners, consisting of such personnel employed and compensation fixed as he deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended. Said board may hold hearings and shall examine submitted evidence and make determinations, subject to the Commissioner's approval, regarding all claims in said categories as follows:

(1) For properties—

(a) For nonconforming abodes and minimum forms of shelter for which there are no comparable properties on the market in the city of El Paso and concerning which fair market value would be inadequate to find minimum housing of equal utility, compensation to the owner up to an amount which when added to the market value allowed for his property, including land values, would enable purchase of minimum habitable housing of similar utility in another residential section of said city.

(b) For commercial properties for which there are no comparable properties on the market in or near El Paso, Texas, compensation to the owner up to an amount which, when added to the total fair market value, including the land value, would compensate the owner for the "value in use" of the real estate to him. Such "value in use" is to be determined on the basis of replacement cost less deterioration and obsolescence in existing real estate and taking into consideration factors bearing upon income attributable to the real estate.

(2) For loss in business:

(a) Loss of profits directly resulting from relocation, limited to the period between termination of business in the old location and commencement of business in the new, such period not to exceed thirty days.

(b) Loss to owner resulting from inability to rent to others housing or commercial space that can be reasonably related to uncertainties arising out of the pending acquisition of the owner's property by the United States, such losses limited to those incurred after July 18, 1963, and prior to the making by the United States of a firm offer to purchase.

(3) For penalty costs to property owners for prepayment of mortgages incident to acquisition of the properties by the United States.

SEC. 4. Application for reimbursement or compensation under section 3 of this Act shall be submitted to the Commissioner within either one year from the date of acquisition or the date of vacating the premises by the applicant, whichever date is later. Applications not submitted within said period shall be forever barred.

SEC. 5. The Commissioner, in rendering an award in favor of any claimant under section 3 of this Act, may, as part of such award, determine and allow reasonable attorneys' fees which shall not exceed 10 per centum of the amount awarded, to be paid out of but not in

Board of examiners.

Claims.
63 Stat. 954.
5 USC 1071
note.

Abodes.

Commercial properties.

Business losses.

Penalty costs.

Compensation.
Time limitation.

Attorneys' fees.
Limitation.

Penalty.

addition to the amount of award, to the attorneys representing the claimant. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed by the terms of this section, if award be made, shall be fined not more than \$2,000 or imprisoned not more than one year, or both.

Duplicate payments.
Prohibition.

SEC. 6. Payments to be made as herein provided shall be in addition to, but not in duplication of, any payments that may otherwise be authorized by law. The means employed to acquire the property, whether by condemnation or otherwise, shall not affect eligibility for reimbursement or compensation under this Act. Nothing contained in this Act shall be construed as creating any legal right or cause of action against the United States or as precluding the exercise by the Government of the right of eminent domain or any other right or power that it may have under this or any other law; nor shall this Act be construed as precluding an owner or tenant from asserting any rights he may have under other laws or the Constitution of the United States.

Exclusions from gross income.

SEC. 7. No amount received as an award under subsection a. and subsections b. (1) and (3) of section 3 of this Act shall be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.). However, amounts received under subsection b. (1) shall be included in gross income to the extent that such amounts are not used within one year of the receipt thereof to purchase replacement housing or facilities.

Definitions.

SEC. 8. As used in this Act, the term "land" shall include interests in land, and the term "fair value" shall mean fair value of the interest acquired. The provisions of this Act shall be exempt from the operations of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), as amended (5 U.S.C. 1001-1011).

Exemption.

Appropriation.

SEC. 9. There are authorized to be appropriated to the Department of State for the use of the United States section of said Commission not to exceed \$44,900,000 to carry out the provisions of said convention and this Act and for transfer to other Federal agencies to accomplish by them or other proper agency relocation of their facilities necessitated by the project. Of the appropriations authorized by this section, not to exceed \$4,200,000 may be used to carry out the provisions of section 3 of this Act. The provisions of section 103 of the American-Mexican Treaty Act of 1950 (22 U.S.C. 277d-3) are hereby expressly extended to apply to the carrying out of the provisions of said convention and this Act.

64 Stat. 847.

Approved April 29, 1964.

Public Law 88-301

April 30, 1964
[S. 1565]

AN ACT

To amend the Act of June 25, 1910 (36 Stat. 857; 25 U.S.C. 406, 407), with respect to the sale of Indian timber.

Indians, sale of timber.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 7 and 8 of the Act of June 25, 1910 (36 Stat. 857; 25 U.S.C. 406, 407), are amended to read as follows:

Unallotted lands.

"SEC. 7. The timber on unallotted lands of any Indian reservation may be sold in accordance with the principles of sustained yield, or in order to convert the land to a more desirable use, under regulations to be prescribed by the Secretary of the Interior, and the proceeds

from such sales, after deductions for administrative expenses pursuant to the Act of February 14, 1920, as amended (25 U.S.C. 413), shall be used for the benefit of the Indians who are members of the tribe or tribes concerned in such manner as he may direct.

47 Stat. 1417.

"SEC. 8. (a) The timber on any Indian land held under a trust or other patent containing restrictions on alienations may be sold by the owner or owners with the consent of the Secretary of the Interior, and the proceeds from such sales, after deductions for administrative expenses to the extent permissible under the Act of February 14, 1920, as amended (25 U.S.C. 413), shall be paid to the owner or owners or disposed of for their benefit under regulations to be prescribed by the Secretary of the Interior. It is the intention of Congress that a deduction for administrative expenses may be made in any case unless the deduction would violate a treaty obligation or amount to a taking of private property for public use without just compensation in violation of the fifth amendment to the Constitution. Sales of timber under this subsection shall be based upon a consideration of the needs and best interests of the Indian owner and his heirs. The Secretary shall take into consideration, among other things, (1) the state of growth of the timber and the need for maintaining the productive capacity of the land for the benefit of the owner and his heirs, (2) the highest and best use of the land, including the advisability and practicality of devoting it to other uses for the benefit of the owner and his heirs, and (3) the present and future financial needs of the owner and his heirs.

Allotments held under trust.

Deductions for administrative expenses.

"(b) Upon the request of the owners of a majority Indian interest in land in which any undivided interest is held under a trust or other patent containing restrictions on alienations, the Secretary of the Interior is authorized to sell all undivided Indian trust or restricted interests in any part of the timber on such land.

Undivided interests.

"(c) Upon the request of the owner of an undivided but unrestricted interest in land in which there are trust or restricted Indian interests, the Secretary of the Interior is authorized to include such unrestricted interest in a sale of the trust or restricted Indian interests in timber sold pursuant to this section, and to perform any functions required of him by the contract of sale for both the restricted and the unrestricted interests, including the collection and disbursement of payments for timber and the deduction from such payments of sums in lieu of administrative expenses.

Unrestricted interests.

"(d) For the purposes of this Act, the Secretary of the Interior is authorized to represent any Indian owner (1) who is a minor, (2) who has been adjudicated non compos mentis, (3) whose ownership interest in a decedent's estate has not been determined, or (4) who cannot be located by the Secretary after a reasonable and diligent search and the giving of notice by publication.

Representation of minors and others.

"(e) The timber on any Indian land held under a trust or other patent containing restrictions on alienations may be sold by the Secretary of the Interior without the consent of the owners when in his judgment such action is necessary to prevent loss of values resulting from fire, insects, disease, windthrow, or other natural catastrophes.

Emergency sales.

"(f) A change from a trust or restricted status to an unrestricted status of any interest in timber that has been sold pursuant to this section shall not affect the obligations of the Secretary of the Interior under any contract of sale that is in effect at the time such change in status occurs."

Change in status.

Approved April 30, 1964.

Public Law 88-302

AN ACT

April 30, 1964
[S. 2111]

To fix the beneficial ownership of the Colorado River Indian Reservation located in the States of Arizona and California.

Colorado River
Indian Reserva-
tion.
Real property.
Fixing of owner-
ship.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of fixing the beneficial ownership of real property interests in the Colorado River Reservation now occupied by the Colorado River Indian Tribes, its members, and certain Indian colonists, all right, title, and interest of the United States in the unallotted lands of the Colorado River Reservation, including water rights and mineral rights therein, together with all improvements located thereon and appurtenant thereto, except improvements placed on the land by assignees or by Indian colonists, and except improvements furnished by the United States for administrative purposes (including irrigation facilities) or for the housing of Federal employees, are hereby declared to be tribal property held in trust by the United States for the use and benefit of the Colorado River Indian Tribes of the Colorado River Reservation.

SEC. 2. For the purpose of this Act:

"Tribes,"

(a) "Tribes" means the Colorado River Indian Tribes of the Colorado River Reservation, with a constitution adopted pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461 et seq.), as said constitution now exists or may hereafter be amended, consisting of a band of the Mohave Indians, the band of Chemehuevi Indians affiliated therewith, and various Indians heretofore or hereafter adopted by the Colorado River Indian Tribes.

"Colorado River
Reservation."

(b) "Colorado River Reservation" means the reservation for Indian use established by the Act of March 3, 1865 (13 Stat. 559), as modified and further defined by Executive orders of November 22, 1873, November 16, 1874, May 15, 1876, and November 22, 1915, all of which area shall be deemed to constitute said reservation.

Tribal member-
ship.

SEC. 3. Any person of Indian blood, his spouse of Indian blood (excluding persons whose Indian blood is traceable solely to Indian tribes, bands, or groups not resident in or subject to the jurisdiction of the United States), and any dependent child of either or both of them, who is not a member of the tribes on the date of this Act, and who has settled on irrigated lands of the Colorado River Reservation through application for a settler's land permit and who is still holding such lands by virtue of the authority of a temporary land use permit issued by or under the authority of the tribes or the Federal Government, shall be deemed to be adopted by the tribes if within two years from the date of this Act he files with the tribal council a statement accepting membership in the tribes and renouncing membership in any other tribe, band, or group. Such statement may be filed on behalf of a dependent child by either parent or by a person standing in loco parentis.

Condition.

SEC. 4. This Act shall become effective upon the agreement of the tribes to abandon the claims now pending in docket numbered 185 and in docket numbered 283A before the Indian Claims Commission under the Act of August 13, 1946 (60 Stat. 1049), and the dismissal of said claims by the Indian Claims Commission. Nothing in this Act shall affect or be taken into consideration in the adjudication of, or with respect to, any other claims now pending by the tribes against the United States.

25 USC 70-70v.

SEC. 5. The Act of June 11, 1960 (74 Stat. 199), as amended by the Act of September 5, 1962 (76 Stat. 428), is amended to read as follows:

"The Secretary of the Interior is authorized to approve leases of lands on the Colorado River Indian Reservation, Arizona and California, for such uses and terms as are authorized by the Act of May 11, 1938 (52 Stat. 347; 25 U.S.C. 396a et seq.), and the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415 et seq.), including the same uses and terms as are permitted thereby on the Agua Caliente (Palm Springs), Dania, Navajo and Southern Ute Reservations: *Provided, however,* That the authorization herein granted to the Secretary of the Interior shall not extend to any lands lying west of the present course of the Colorado River and south of section 25 of township 2 south, range 23 east, San Bernardino base and meridian in California, and shall not be construed to affect the resolution of any controversy over the location of the boundary of the Colorado River Reservation: *Provided further,* That any of the described lands in California shall be subject to the provisions of this Act when and if determined to be within the reservation."

Approved April 30, 1964.

Leases.
Approval.

Provisos.

Public Law 88-303

AN ACT

To provide that the United States shall hold certain land in trust for the members of the Alamo Band of Puertocito Navajo Indians.

April 30, 1964
[S. 1931]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) all right, title, and interest of the United States in and to those lands lying within the Alamo Navajo community area, New Mexico, more particularly described in subsection (b) of this section and the improvements thereon, are hereby declared to be held in trust by the United States for the use of the members of the Alamo Band of Puertocito Navajo Indians, subject to the right of the United States to use said lands and improvements located thereon for administrative purposes.

Puertocito Navajo Indians,
Alamo Band.
Land held in trust.

(b) Lot 3 and the southeast quarter northwest quarter of section 6, township 2 north, range 6 west, New Mexico principal meridian, and improvements located thereon.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Approved April 30, 1964.

Offset claim.

25 USC 70a.

Public Law 88-304

AN ACT

To authorize the transfer of the Piegan unit of the Blackfeet Indian irrigation project, Montana, to the landowners within the unit.

April 30, 1964
[S. 2279]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to convey all of the right, title, and interest of the United States in the facilities of the Piegan unit of the Blackfeet Indian irrigation project, located in township 31 north, ranges 8 and 9 west, Montana principal meridian, including but not limited to easements, rights-of-way, canals, laterals, drains, structures

Blackfeet Indian
irrigation project,
Montana.
Conveyance.

Condition.

of all kinds, and water rights held for the benefit of the unit, to an organization or association in form and powers satisfactory to the Secretary, representing the owners of the lands served by the unit: *Provided*, That as a condition to said conveyance, the grantee shall assume full and sole responsibility for the future care, operation, and maintenance of the unit, for which the United States shall have no further responsibility; and shall hold the United States free of all loss or liability for damages or injuries, direct or consequential, caused by the existence or operation of the unit or any of its features or structures, from and after the date of its conveyance.

Cancellation of certain charges.

SEC. 2. Upon conveyance of the Piegan unit of the Blackfeet Indian irrigation project as provided for in section 1 of this Act, the Secretary is authorized to cancel all accrued operation and maintenance charges and all construction charges with respect to the said unit.

Approved April 30, 1964.

Public Law 88-305

May 12, 1964
[S. 1605]

AN ACT

To amend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to provide for labeling of economic poisons with registration numbers, to eliminate registration under protest, and for other purposes.

Federal Insecticide, Fungicide, and Rodenticide Act, amendment.

73 Stat. 287.
Economic poisons.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2.z.(2)(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163, as amended, 7 U.S.C., 1958 ed., Supp. III, 135(z)(2)(b)) is hereby amended by inserting before the semicolon at the end thereof the following phrase: "other than the registration number assigned to the economic poison".

SEC. 2. Section 3 of said Act (61 Stat. 166; 7 U.S.C. 135a) is hereby amended by deleting the word "and" at the end of section 3.a.(2)(b), deleting the period at the end of section 3.a.(2)(c) and inserting in lieu thereof a semicolon and the word "and", and adding after section 3.a.(2)(c), a new provision reading as follows: "(d) when required by regulation of the Secretary to effectuate the purposes of this Act, the registration number assigned to the article under this Act."

Registration and labeling.

SEC. 3. Section 4 of said Act (61 Stat. 167; 7 U.S.C. 135b) is hereby amended by changing the word "registrant" wherever it appears in subsection a. and in the first sentence of subsection c. to "applicant for registration" and by deleting the remainder of subsection c. and inserting in lieu thereof the following:

"If, upon receipt of such notice, the applicant for registration does not make the corrections, the Secretary shall refuse to register the article. The Secretary, in accordance with the procedures specified herein, may suspend or cancel the registration of an economic poison whenever it does not appear that the article or its labeling or other material required to be submitted complies with the provisions of this Act. Whenever the Secretary refuses registration of an economic poison or determines that registration of an economic poison should be canceled, he shall notify the applicant for registration or the registrant of his action and the reasons therefor. Whenever an application for registration is refused, the applicant, within thirty days after service of notice of such refusal, may file a petition requesting that the matter be referred to an advisory committee or file objections and request a public hearing in accordance with this section. A cancellation of

Appeal procedures.

registration shall be effective thirty days after service of the foregoing notice unless within such time the registrant (1) makes the necessary corrections; (2) files a petition requesting that the matter be referred to an advisory committee; or (3) files objections and requests a public hearing. Each advisory committee shall be composed of experts, qualified in the subject matter and of adequately diversified professional background selected by the National Academy of Sciences and shall include one or more representatives from land-grant colleges. The size of the committee shall be determined by the Secretary. Members of an advisory committee shall receive as compensation for their services a reasonable per diem, which the Secretary shall by rules and regulations prescribe, for time actually spent in the work of the committee, and shall in addition be reimbursed for their necessary traveling and subsistence expenses while so serving away from their places of residence, all of which costs may be assessed against the petitioner, unless the committee shall recommend in favor of the petitioner or unless the matter was referred to the advisory committee by the Secretary. The members shall not be subject to any other provisions of law regarding the appointment and compensation of employees of the United States. The Secretary shall furnish the committee with adequate clerical and other assistance, and shall by rules and regulations prescribe the procedures to be followed by the committee. The Secretary shall forthwith submit to such committee the application for registration of the article and all relevant data before him. The petitioner, as well as representatives of the United States Department of Agriculture, shall have the right to consult with the advisory committee. As soon as practicable after any such submission, but not later than sixty days thereafter, unless extended by the Secretary for an additional sixty days, the committee shall, after independent study of the data submitted by the Secretary and all other pertinent information available to it, submit a report and recommendation to the Secretary as to the registration of the article, together with all underlying data and a statement of the reasons or basis for the recommendations. After due consideration of the views of the committee and all other data before him, the Secretary shall, within ninety days after receipt of the report and recommendations of the advisory committee, make his determination and issue an order, with findings of fact, with respect to registration of the article and notify the applicant for registration or registrant. The applicant for registration, or registrant, may, within sixty days from the date of the order of the Secretary, file objections thereto and request a public hearing thereon. In the event a hearing is requested, the Secretary shall, after due notice, hold such public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. Any report, recommendations, underlying data, and reasons certified to the Secretary by an advisory committee shall be made a part of the record of the hearing, if relevant and material, subject to the provisions of section 7(c) of the Administrative Procedure Act (5 U.S.C. 1006(c)). The National Academy of Sciences shall designate a member of the advisory committee to appear and testify at any such hearing with respect to the report and recommendations of such committee upon request of the Secretary, the petitioner, or the officer conducting the hearing: *Provided*, That this shall not preclude any other member of the advisory committee from appearing and testifying at such hearing. As soon as practicable after completion of the hearing, but not later than ninety days, the Secretary shall evaluate the data and reports before him, act upon such objections and issue an order granting, denying, or canceling the registra-

Advisory committees.

Compensation.

Findings of fact.

Public hearings.

60 Stat. 241.

Findings and conclusions.

tion or requiring modification of the claims or the labeling. Such order shall be based only on substantial evidence of record at such hearing, including any report, recommendations, underlying data, and reason certified to the Secretary by an advisory committee, and shall set forth detailed findings of fact upon which the order is based. In connection with consideration of any registration or application for registration under this section, the Secretary may consult with any other Federal agency or with an advisory committee appointed as herein provided. Notwithstanding the provisions of section 3.c.(4), information relative to formulas of products acquired by authority of this section may be revealed, when necessary under this section, to an advisory committee, or to any Federal agency consulted, or at a public hearing, or in findings of fact issued by the Secretary. All data submitted to an advisory committee in support of a petition under this section shall be considered confidential by such advisory committee: *Provided*, That this provision shall not be construed as prohibiting the use of such data by the committee in connection with its consultation with the petitioner or representatives of the United States Department of Agriculture, as provided for herein, and in connection with its report and recommendations to the Secretary. Notwithstanding any other provision of this section, the Secretary may, when he finds that such action is necessary to prevent an imminent hazard to the public, by order, suspend the registration of an economic poison immediately. In such case, he shall give the registrant prompt notice of such action and afford the registrant the opportunity to have the matter submitted to an advisory committee and for an expedited hearing under this section. Final orders of the Secretary under this section shall be subject to judicial review, in accordance with the provisions of subsection d. In no event shall registration of an article be construed as a defense for the commission of any offense prohibited under section 3 of this Act."

SEC. 4. Section 4 of said Act (61 Stat. 167; 7 U.S.C. 135b) is hereby further amended by redesignating subsections d. and e. as subsections e. and f., and by adding a new subsection d., as follows:

"d. In a case of actual controversy as to the validity of any order under this section, any person who will be adversely affected by such order may obtain judicial review by filing in the United States court of appeals for the circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, within sixty days after the entry of such order, a petition praying that the order be set aside in whole or in part. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose, and thereupon the Secretary shall file in the court the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have exclusive jurisdiction to affirm or set aside the order complained of in whole or in part. The findings of the Secretary with respect to questions of fact shall be sustained if supported by substantial evidence when considered on the record as a whole, including any report and recommendation of an advisory committee. If application is made to the court for leave to adduce additional evidence, the court may order such additional evidence to be taken before the Secretary, and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper, if such evidence is material and there were reasonable grounds for failure to adduce such evidence in the proceedings below.

61 Stat. 166.
7 USC 135a.

Use of data.

Suspension of
registration.

61 Stat. 166.
7 USC 135a.

Judicial review.
U.S. Court of
Appeals.

72 Stat. 941.

Additional evi-
dence.

The Secretary may modify his findings as to the facts and order by reason of the additional evidence so taken, and shall file with the court such modified findings and order. The judgment of the court affirming or setting aside, in whole or in part, any order under this section shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 18 of the United States Code. The commencement of proceedings under this section shall not, unless specifically ordered by the court to the contrary, operate as a stay of an order. The court shall advance on the docket and expedite the disposition of all causes filed therein pursuant to this section."

Review by U.S.
Supreme Court.

SEC. 5. The first sentence of section 8.b. of said Act (61 Stat. 170; 7 U.S.C. 135f. (b)) is hereby amended by deleting that part beginning with the second proviso therein down to, but not including, the period at the end thereof.

Penalties.

SEC. 6. Section 3.a.(1) and section 9.a.(1)(b) of said Act (61 Stat. 166, 170; 7 U.S.C. 135a.(a)(1), 135g.(a)(1)(b)) are hereby amended by changing the phrase "has not been registered" wherever it appears therein, to read "is not registered".

SEC. 7. This Act and the amendments made hereby shall become effective upon enactment, and all existing registrations under protest issued under said Federal Insecticide, Fungicide, and Rodenticide Act shall thereupon terminate.

Effective date.
Termination of
certain existing
registrations.

Approved May 12, 1964.

Public Law 88-306

AN ACT

May 14, 1964
[S. 1193]

To amend section 309(e) of the Communications Act of 1934, as amended, to require that petitions for intervention be filed not more than thirty days after publication of the hearing issues in the Federal Register.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 309(e) of the Communications Act of 1934, as amended, is amended to read as follows:

Communications
Act of 1934,
amendment.
Petitions for
intervention.
74 Stat. 891.
47 USC 309.

"(e) If, in the case of any application to which subsection (a) of this section applies, a substantial and material question of fact is presented or the Commission for any reason is unable to make the finding specified in such subsection, it shall formally designate the application for hearing on the ground or reasons then obtaining and shall forthwith notify the applicant and all other known parties in interest of such action and the grounds and reasons therefor, specifying with particularity the matters and things in issue but not including issues or requirements phrased generally. When the Commission has so designated an application for hearing, the parties in interest, if any, who are not notified by the Commission of such action may acquire the status of a party to the proceeding thereon by filing a petition for intervention showing the basis for their interest not more than thirty days after publication of the hearing issues or any substantial amendment thereto in the Federal Register. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate. The burden of proceeding with the introduction of evidence and the burden of proof shall be upon the applicant, except that with respect to any issue presented by a petition to deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission."

Approved May 14, 1964.

Public Law 88-307

May 14, 1964
[S. 1005]

AN ACT

To amend paragraph (2) (G) of subsection 309(c) of the Communications Act of 1934, as amended, by granting the Federal Communications Commission additional authority to grant special temporary authorizations for sixty days for certain nonbroadcast operations.

Communications
Act of 1934,
amendment.
Nonbroadcast
operations.
74 Stat. 890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) (G) of subsection 309(c) of the Communications Act of 1934, as amended (47 U.S.C. 309(c) (2) (G)), is amended to read as follows:

“(G) a special temporary authorization for nonbroadcast operation not to exceed thirty days where no application for regular operation is contemplated to be filed or not to exceed sixty days pending the filing of an application for such regular operation, or”.

Approved May 14, 1964.

Public Law 88-308

May 20, 1964
[S. 1988]

AN ACT

To prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels.

Fishing in terri-
torial waters of
U.S.
Prohibition.

Secretary of
Treasury.
Authority.

International
organization en-
gaged in fishery
research.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is unlawful for any vessel, except a vessel of the United States, or for any master or other person in charge of such a vessel, to engage in the fisheries within the territorial waters of the United States, its territories and possessions and the Commonwealth of Puerto Rico, or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters or to engage in the taking of any Continental Shelf fishery resource which appertains to the United States except as provided in this Act or as expressly provided by an international agreement to which the United States is a party. However, sixty days after written notice to the President of the Senate and the Speaker of the House of Representatives of intent to do so, the Secretary of the Treasury may authorize a vessel other than a vessel of the United States to engage in fishing for designated species within the territorial waters of the United States or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters or for resources of the Continental Shelf which appertain to the United States upon certification by the Secretaries of State and of the Interior that such permission would be in the national interest and upon concurrence of any State, Commonwealth, territory, or possession directly affected. The authorization in this section may be granted only after a finding by the Secretary of the Interior that the country of registry, documentation, or licensing extends substantially the same fishing privileges for a fishery to vessels of the United States. Notwithstanding any other provision of law, the Secretary of State, with the concurrence of the Secretaries of the Treasury and of the Interior, may permit a vessel, other than a vessel of the United States, owned or operated by an international organization of which the United States is a member, to engage in fishery research within the territorial waters of the United States or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters, or for

resources of the Continental Shelf which appertain to the United States and to land its catch in a port of the United States in accordance with such conditions as the Secretary may prescribe whenever they determine such action is in the national interest.

SEC. 2. (a) Any person violating the provisions of this Act shall be fined not more than \$10,000, or imprisoned not more than one year, or both.

Penalties.

(b) Every vessel employed in any manner in connection with a violation of this Act including its tackle, apparel, furniture, appurtenances, cargo, and stores shall be subject to forfeiture and all fish taken or retained in violation of this Act or the monetary value thereof shall be forfeited.

Seizure provisions.

(c) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act.

SEC. 3. (a) Enforcement of the provisions of this Act is the joint responsibility of the Secretary of the Interior, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating. In addition, the Secretary of the Interior may designate officers and employees of the States of the United States, of the Commonwealth of Puerto Rico, and of any territory or possession of the United States to carry out enforcement activities hereunder. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

Enforcement responsibility.

(b) The judges of the United States district courts, the judges of the highest courts of the territories and possessions of the United States, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal District Courts, as may be required for enforcement of this Act and any regulations issued thereunder.

Warrants or other process issuance.

(c) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this Act.

Enforcement powers.

(d) Such person so authorized shall have the power—

(1) with or without a warrant or other process, to arrest any person committing in his presence or view a violation of this Act or the regulations issued thereunder;

(2) with or without a warrant or other process, to search any vessel and, if as a result of such search he has reasonable cause to believe that such vessel or any person on board is in violation of any provision of this Act or the regulations issued thereunder, then to arrest such person.

(e) Such person so authorized may seize any vessel, together with its tackle, apparel, furniture, appurtenances, cargo and stores, used or employed contrary to the provisions of this Act or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this Act or the regulations issued hereunder.

Seizure and disposal of fish.

(f) Such person so authorized may seize, whenever and wherever lawfully found, all fish taken or retained in violation of this Act or the regulations issued thereunder. Any fish so seized may be disposed of pursuant to the order of a court of competent jurisdiction pursuant to the provisions of subsection (g) of this section, or if perishable, in a manner prescribed by regulations of the Secretary of the Treasury.

62 Stat. 974.

(g) Notwithstanding the provisions of section 2464 of title 28 when a warrant of arrest or other process in rem is issued in any cause under this section, the United States marshal or other officer shall discharge any fish seized if the process has been levied, on receiving from the claimant of the fish a bond or stipulation for the value of the fish with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the fish seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the fish may be sold for not less than its reasonable market value and the proceeds of such sale placed in the registry of the court pending judgment in the case.

Regulations.

SEC. 4. The Secretaries of the Treasury and Interior are authorized jointly or severally to issue such regulations as they determine are necessary to carry out the provisions of this Act.

"Continental Shelf fishery resource".

SEC. 5. (a) As used in this Act, the term "Continental Shelf fishery resource" includes the living organisms belonging to sedentary species; that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil of the Continental Shelf.

Publication in F. R.

(b) The Secretary of the Interior in consultation with the Secretary of State is authorized to publish in the Federal Register a list of the species of living organisms covered by the provisions of subsection (a) of this section.

Definitions.

(c) As used in this Act, the term "fisheries" means the taking, planting, or cultivation of fish, mollusks, crustaceans, or other forms of marine animal or plant life by any vessel or vessels; and the term "fish" includes mollusks, crustaceans, and all other forms of marine animal or plant life.

(d) As used in this Act, the term "Continental Shelf" refers (a) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands.

Approved May 20, 1964.

Public Law 88-309

AN ACT

To promote State commercial fishery research and development projects, and for other purposes.

May 20, 1964
[S. 627]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Commercial Fisheries Research and Development Act of 1964”.

Commercial
Fisheries Research
and Development
Act of 1964.

SEC. 2. As used in this Act, the term—

“Commercial fisheries” means any organization, individual, or group of organizations or individuals engaged in the harvesting, catching, processing, distribution, or sale of fish, shellfish, or fish products.

Definitions.

“Fiscal year” means the period beginning July 1 and ending June 30.

“Obligated” means the written approval by the Secretary of the Interior of a project submitted by the State agency pursuant to this Act.

“Project” means the program of research and development of the commercial fishery resources, including the construction of facilities by the States for the purposes of carrying out the provisions of this Act.

“Raw fish” means aquatic plants and animals.

“State” means the several States of the United States, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

“State agency” means any department, agency, commission, or official of a State authorized under its laws to regulate commercial fisheries.

SEC. 3. (a) The purpose of this Act is to authorize the Secretary of the Interior to cooperate with the States through their respective State agencies in carrying out projects designed for the research and development of the commercial fisheries resources of the Nation. Federal funds made available under this Act will be used to supplement, and, to the extent practicable, increase the amounts of State funds that would be made available for commercial fisheries research and development in the absence of these Federal funds.

Purpose.

(b) (1) Nothing in this Act prevents any two or more States from acting jointly in carrying out a project.

(2) The Congress consents to any compact or agreement between any two or more States for the purpose of carrying out a project. The right to alter, amend, or repeal this subsection or the consent granted under this subsection is expressly reserved.

SEC. 4. (a) There is authorized to be appropriated to the Secretary of the Interior for the next fiscal year beginning after the date of enactment of this Act, and for the four succeeding fiscal years, \$5,000,000 in each year for apportionment to the States to carry out the purposes of this Act.

Appropriation
authorization.

(b) In addition to the amounts authorized in subsection (a) of this section there is authorized to be appropriated for the next fiscal year beginning after the date of enactment of this Act, and for the succeeding fiscal year, \$400,000 in each such year, and for the next three succeeding fiscal years, \$650,000 in each such year, which shall be made available to the States in such amounts as the Secretary may determine appropriate for the purposes of this Act: *Provided*, That the Secretary shall give a preference to those States in which he determines there is a commercial fishery failure due to a resource disaster arising from natural or undetermined causes, and any sums made available under this subsection may be used either by the States or directly by the

Restriction.

Secretary in cooperation with the States for any purpose that the Secretary determines is appropriate to restore the fishery affected by such failure or to prevent a similar failure in the future: *Provided further*, That the funds authorized to be appropriated under this subsection shall not be available to the Secretary for use as grants for chartering fishing vessels. Amounts appropriated pursuant to this subsection shall remain available until expended.

(c) In addition to the funds authorized in subsection (a) and (b), there is authorized to be appropriated \$100,000 for the fiscal year beginning after the date of enactment of this Act and for each succeeding fiscal year during the term of this Act, which shall be made available to the States in such amounts as the Secretary may determine for developing a new commercial fishery therein.

Apportionment
of funds.
Formula.

SEC. 5. (a) Funds appropriated pursuant to section 4(a) shall be apportioned among the States, by the Secretary, on July 1 of each year or as soon as practicable thereafter, on a basis determined by the ratio which the average of the value of raw fish harvested by domestic commercial fishermen and received within the State (regardless where caught) for the three most recent calendar years for which data satisfactory to the Secretary are available plus the average of the value to the manufacturer of manufactured and processed fishery merchandise manufactured within each State for the three most recent calendar years for which data satisfactory to the Secretary are available, bears to the total average value of all raw fish harvested by domestic commercial fishermen and received within the States (regardless where caught) and fishery merchandise manufactured and processed within the States for the three most recent calendar years for which data satisfactory to the Secretary are available. However, no State may receive an apportionment for any fiscal year of less than one-half of 1 per centum of funds or more than 6 per centum of the funds.

(b) So much of any apportionment for any fiscal year which is not obligated during any year remains available for obligation to carry out the purposes of this Act until the close of the succeeding fiscal year, and if unobligated at the end of that year, the sum is returned to the Treasury of the United States.

Submission of
plans for projects.

SEC. 6. (a) Any State desiring to avail itself of the benefits of this Act may, through its State agency, submit to the Secretary full plans, specifications, and estimates of any project proposed for that State. Items included for engineering, planning, inspection, and unforeseen contingencies in connection with any works to be constructed shall not exceed 10 per centum of the cost of the works, and shall be paid by the State as a part of its contribution to the total cost of the works. If the Secretary approves the plans, specifications, and estimates as being consistent with the purposes of this Act and in accordance with standards to be established by him, he shall notify the State agency. No part of any moneys appropriated pursuant to this Act may be obligated with respect to any project until the plans, specifications, and estimates have been submitted to and approved by the Secretary. The expenditure of funds authorized by this Act shall be applied only to approved projects, and if otherwise applied they shall be replaced by the State before it may participate in any further assistance under this Act.

Approval.

(b) If the Secretary approves the plans, specifications, and estimates for the project, he shall promptly notify the State agency and immediately set aside so much of the appropriation made available under section 4(a) of this Act as represents the Federal share payable under this Act on account of the project, which sum shall not exceed 75 per centum of the total estimated cost of the project.

Public Law 88-311

AN ACT

To amend the Alaska Omnibus Act.

May 27, 1964
[S. 2772]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 44 of the Alaska Omnibus Act (73 Stat. 141) is amended by striking the word "and" following "1962" and the period at the end thereof and inserting in lieu of the period "; and the sum of \$23,500,000 for the period ending June 30, 1966."

Alaskan state-
hood.
Transitional
grants, etc.,
extension.
48 USC prec. 21
note.

SEC. 2. Subsections (b) and (c) of section 44 of the Alaska Omnibus Act are amended by striking "June 30, 1964" wherever it appears therein and inserting in lieu thereof "June 30, 1966" and subsection (a) of section 45 of that Act is amended by striking "July 1, 1964" and inserting in lieu thereof "July 1, 1966".

Approved May 27, 1964.

Public Law 88-312

AN ACT

To provide for holding terms of the United States District Court for the District of Vermont at Montpelier and Saint Johnsbury.

May 28, 1964
[S. 980]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 126 of title 28, United States Code, is amended to read as follows:

Vermont.
District Court
terms, locations.
62 Stat. 893.

"Court shall be held at Brattleboro, Burlington, Montpelier, Rutland, Saint Johnsbury, and Windsor."

Approved May 28, 1964.

Public Law 88-313

AN ACT

May 28, 1964
[S. 920]

To amend sections 303 and 310 of the Communications Act of 1934, as amended, to provide that the Federal Communications Commission may issue authorizations, but not licenses, for alien amateur radio operators to operate their amateur radio stations in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation by United States amateurs on a reciprocal basis.

Amateur radio
operators, aliens.
Operation of sta-
tions in U.S.
48 Stat. 1082;
72 Stat. 981.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (1) of section 303 of the Communications Act of 1934 (47 U.S.C. 303) is amended—

(1) by inserting “(1)” immediately after “(1)”; and

(2) by adding at the end of such subsection the following: “(2) Notwithstanding section 301 of this Act and paragraph (1) of this subsection, the Commission may issue authorizations, under such conditions and terms as it may prescribe, to permit an alien licensed by his government as an amateur radio operator to operate his amateur radio station licensed by his government in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation on a reciprocal basis by United States amateur radio operators: *Provided*, That when an application for an authorization is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further*, That the requested authorization may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such authorization.”

Bilateral agree-
ments.

60 Stat. 237.
5 USC 1001
note.

48 Stat. 1086;
72 Stat. 981.
47 USC 310.

SEC. 2. Subsection (a) of section 310 of the Communications Act of 1934 is amended by adding at the end thereof the following: “Notwithstanding section 301 of this Act and paragraphs (1) and (2) of this subsection, the Commission may issue authorizations, under such conditions and terms as it may prescribe, to permit an alien licensed by his government as an amateur radio operator to operate his amateur radio station licensed by his government in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation on a reciprocal basis by United States amateur radio operators: *Provided*, That when an application for an authorization is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further*, That the requested authorization may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such authorization.”

Nonapplicabil-
ity.
60 Stat. 237.
5 USC 1001
note.

Approved May 28, 1964.

(c) When the Secretary determines that a project approved by him had been completed, he shall cause to be paid to the proper authority of the State, the Federal share of the project. The Secretary may, if he determines that the project is being conducted in compliance with the approved plans and specifications, make periodic payments on the project as it progresses, but these payments, together with previous payments, shall not exceed the United States share of the project in conformity with the plans and specifications. The Secretary and each State agency may determine jointly at what time and in what amounts progress payments are made. All payments shall be made to the official or depository, as may be designated by the State agency and authorized under the laws of the State to receive public funds of the State.

Payment to proper authority.

SEC. 7. (a) All work, including the furnishing of labor and materials, needed to complete any project approved by the Secretary shall be performed in accordance with applicable Federal and State laws under the direct supervision of the State agency, and in accordance with regulations as the Secretary may prescribe. Title to all property, real and personal, acquired for the purposes of completing any project approved by the Secretary, vests in the State.

Work conditions.

(b) All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), and shall receive overtime pay in accordance with and subject to the provisions of the Contract Work Hours Standards Act (Public Law 87-581). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

Pay rates.

49 Stat. 1011.

76 Stat. 357.
40 USC 327
note.

64 Stat. 1267.

63 Stat. 108.

Property disposal.

(c) If a State disposes of any real or personal property acquired under this Act, the State shall pay into the Treasury of the United States the amount of any proceeds resulting from the property disposal to the extent of and in the same ratio that funds provided by this Act were used in the acquisition of the property. In no case shall the amount paid into the Treasury of the United States under this section exceed the amount of funds provided by this Act for the acquisition of the property involved.

SEC. 8. The Secretary is authorized to make such rules and regulations as he determines necessary to carry out the purposes of this Act.

Rules and regulations.

SEC. 9. Amend section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1121) as amended (16 U.S.C. sec. 742c), by adding a new subsection to read as follows:

“(e) The Secretary is authorized under such terms and conditions and pursuant to regulations prescribed by him to use the funds appropriated under this section to make loans to commercial fishermen for the purpose of chartering fishing vessels pending the construction or repair of vessels lost, destroyed, or damaged by the earthquake of March 27, 1964, and subsequent tidal waves related thereto: *Provided*, That any loans made under this subsection shall only be repaid from the net profits of the operations of such chartered vessels, which profits shall be reduced by such reasonable amount as determined by the Secretary for the salary of the fishermen chartering such vessels. The funds authorized herein shall not be available for such loans after June 30, 1966.”

Fishing vessels, chartering.
Loans to Alaskan earthquake victims.

Approved May 20, 1964.

Public Law 88-310

AN ACT

May 26, 1964

[S. 2214]

To amend the International Development Association Act to authorize the United States to participate in an increase in the resources of the International Development Association.

International
Development As-
sociation.
74 Stat. 294.

Increase in re-
sources.
U.S. contribu-
tion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the International Development Association Act (22 U.S.C. 284e) is amended by redesignating subsections (b) and (c) as subsections (c) and (d) and by adding a new subsection (b) as follows:

“(b) The United States Governor is hereby authorized (1) to vote for an increase in the resources of the Association and (2) to agree on behalf of the United States to contribute to the Association the sum of \$312 million, both as recommended by the Executive Directors, in a report dated September 9, 1963, to the Board of Governors of the Association. There is hereby authorized to be appropriated out of funds supplied by the Nation's taxpayers or out of funds borrowed on their credit, without fiscal year limitation, \$312 million to provide the United States share of the increase in the resources of the Association.”

SEC. 2. Redesignated subsection (c) of section 7 of the International Development Association Act is amended by striking from the first sentence the words “, after paying the requisite part of the subscription of the United States in the Association required to be made under the articles,” and by striking from the third sentence the words “of the subscription of the United States”.

Approved May 26, 1964.

Public Law 88-314

AN ACT

May 28, 1964
[S. 1584]

To approve a contract negotiated with the Newton Water Users' Association, Utah, to authorize its execution, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proposed contract designated "R.O. Draft 1/31/63; Rev. 3/12/63," negotiated by the Secretary of the Interior with the Newton Water Users' Association, Utah, to extend the period for repayment of the reimbursable construction cost of the Newton project and to establish a variable repayment schedule is approved and the Secretary of the Interior is hereby authorized to execute such contract on behalf of the United States.

Newton Water
Users' Association,
Utah.
Contract ap-
proval.

Approved May 28, 1964.

Public Law 88-315

AN ACT

May 28, 1964
[S. 1687]

To approve the January 1963 reclassification of land of the Big Flat unit of the Missoula Valley project, Montana, and to authorize the modification of the repayment contract with the Big Flat Irrigation District.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to negotiate and execute an amendatory contract amending the existing repayment contract between the United States and the Big Flat Irrigation District dated April 2, 1945, by reducing the construction charge obligation of the district in the amount of \$7,190, representing the unmatured charges as of December 30, 1962, against one hundred and sixty-four and three-tenths acres of irrigable land presently classified as nonproductive. The reclassification of the lands of the Big Flat unit of the Missoula Valley project, Montana, dated January 1963, is hereby approved.

Missoula Valley
project, Mont.
Repayment con-
tract, modifica-
tion.

Land reclassi-
fication.

Approved May 28, 1964.

Public Law 88-316

AN ACT

June 6, 1964
[S. 741]

To amend title 18, United States Code, to prohibit schemes in interstate or foreign commerce to influence by bribery sporting contests, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 11, United States Code (entitled "Bribery and Graft"), is amended by adding at the end thereof the following new section:

Sporting con-
tests, bribery.
18 USC 201-218.

"§ 224. Bribery in sporting contests

"(a) Whoever carries into effect, attempts to carry into effect, or conspires with any other person to carry into effect any scheme in commerce to influence, in any way, by bribery any sporting contest, with knowledge that the purpose of such scheme is to influence by bribery that contest, shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both.

Penalties.

Jurisdiction.

“(b) This section shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, territory, Commonwealth, or possession of the United States, and no law of any State, territory, Commonwealth, or possession of the United States, which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section.

Definitions.

“(c) As used in this section—

“(1) The term ‘scheme in commerce’ means any scheme effectuated in whole or in part through the use in interstate or foreign commerce of any facility for transportation or communication;

“(2) The term ‘sporting contest’ means any contest in any sport, between individual contestants or teams of contestants (without regard to the amateur or professional status of the contestants therein), the occurrence of which is publicly announced before its occurrence;

“(3) The term ‘person’ means any individual and any partnership, corporation, association, or other entity.”

(b) The analysis of chapter 11, title 18, United States Code, is amended by adding at the end thereof the following new item:

“224. Bribery in sporting contests.”

Approved June 6, 1964.

Public Law 88-317

June 9, 1964
[H. R. 11201]

AN ACT

Making deficiency appropriations for the fiscal year ending June 30, 1964, and for other purposes.

Deficiency Ap-
propriation Act,
1964.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, to supply deficiency appropriations (this Act may be cited as the “Deficiency Appropriation Act, 1964”) for the fiscal year ending June 30, 1964, and for other purposes, namely:

CHAPTER I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EXPENSES, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

For an additional amount for “Expenses, Agricultural Stabilization and Conservation Service”, \$13,600,000.

EMERGENCY CONSERVATION MEASURES

For an additional amount for “Emergency conservation measures” to be used for the same purposes and subject to the same conditions as funds appropriated under this head in the Third Supplemental Appropriation Act, 1957, the Supplemental Appropriation Act, 1958, and the Supplemental Appropriation Act, 1962, \$4,000,000, to remain available until expended.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military personnel, Army”, \$189,000,000, and in addition \$20,700,000 which shall be derived by transfer from “Operation and maintenance, Army, 1964”, and \$6,500,000 which shall be derived by transfer from “Procurement of equipment and missiles, Army.”

MILITARY PERSONNEL, NAVY

For an additional amount for “Military personnel, Navy”, \$242,800,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military personnel, Marine Corps”, \$47,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military personnel, Air Force”, \$422,700,000, and in addition \$2,000,000 which shall be derived by transfer from “Operation and maintenance, Air Force, 1964”.

RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve personnel, Army”, \$500,000.

RESERVE PERSONNEL, NAVY

For an additional amount for “Reserve personnel, Navy”, \$2,800,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for “Reserve personnel, Marine Corps”, \$1,400,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for “Reserve personnel, Air Force”, \$2,600,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard personnel, Army”, \$6,200,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for “National Guard personnel, Air Force”, \$3,200,000.

RETIRED PAY, DEFENSE

For an additional amount for “Retired pay, Defense”, \$85,000,000.

CHAPTER III
DISTRICT OF COLUMBIA
DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

General Operating Expenses

For an additional amount for "General operating expenses", \$23,270.

Public Safety

For an additional amount for "Public safety", \$146,000.

Personal Services, Wage-Board Employees

For pay increases and related retirement costs for wage-board employees, to be transferred by the Commissioners of the District of Columbia to the appropriations for the fiscal year 1964 from which said employees are properly payable, \$166,300, of which \$24,300 shall be payable from the water fund.

Settlement of Claims and Suits

For the payment of claims in excess of \$250, approved by the Commissioners in accordance with the provision of the Act of February 11, 1929, as amended (45 Stat. 1160; 46 Stat. 500; 65 Stat. 131), \$16,021.

D.C. Code 1-902 to 1-906.

Repayment of Loans and Interest

For an additional amount for "Repayment of loans and interest", \$2,265.

DIVISION OF EXPENSES

The sums appropriated in this title for the District of Columbia shall, unless otherwise specifically provided for, be paid out of the general fund of the District of Columbia, as defined in the District of Columbia Appropriation Act for the fiscal year involved.

CHAPTER IV
INDEPENDENT OFFICES

CIVIL AERONAUTICS BOARD

PAYMENTS TO AIR CARRIERS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For an additional amount for "Payments to air carriers (liquidation of contract authorization)", \$4,000,000, to remain available until expended.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$2,638,000.

VETERANS ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care", \$10,457,000.

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", \$30,000,000, to remain available until expended.

LOAN GUARANTY REVOLVING FUND

During the current fiscal year an additional amount of not to exceed \$60,000,000 shall be available in the "Loan guaranty revolving fund" for expenses for property acquisitions and other loan guaranty and insurance operations under chapter 37, title 38, United States Code, except administrative expenses, as authorized by section 1824 of such title.

72 Stat. 1203.
38 USC 1801-
1825.
74 Stat. 532.

CHAPTER V

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For an additional amount for "Forest protection and utilization", for "Forest land management", \$13,000,000.

FOREST PROTECTION AND UTILIZATION

For an additional amount for "Forest protection and utilization", for "Forest land management", \$650,000, to remain available until June 30, 1965.

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For additional amount for "Management of lands and resources", \$2,500,000, of which \$303,000 shall be derived by transfer from "Operation and maintenance, Bureau of Reclamation", fiscal year 1964.

BUREAU OF INDIAN AFFAIRS

RESOURCES MANAGEMENT

For an additional amount for "Resources management," \$500,000, of which \$60,000 shall be derived by transfer from the appropriation for "Management and investigations of resources, Bureau of Sport Fisheries and Wildlife", fiscal year 1964.

CONSTRUCTION

For an additional amount for "Construction", \$1,000,000, to remain available until expended.

NATIONAL PARK SERVICE

MANAGEMENT AND PROTECTION

For an additional amount for "Management and protection", including not to exceed \$10,000 for travel and transportation of persons, \$225,000.

MAINTENANCE AND REHABILITATION OF PHYSICAL FACILITIES

For an additional amount for "Maintenance and rehabilitation of physical facilities", \$400,000.

FISH AND WILDLIFE SERVICE

BUREAU OF COMMERCIAL FISHERIES

Construction

For an additional amount for "Construction", \$650,000, to remain available until expended.

BUREAU OF SPORT FISHERIES AND WILDLIFE

Construction

For an additional amount for "Construction", \$50,000, to remain available until June 30, 1965.

THE ALASKA RAILROAD

PAYMENT TO THE ALASKA RAILROAD REVOLVING FUND

For payment to the Alaska Railroad revolving fund for authorized work of the Alaska Railroad, including repair, reconstruction, rehabilitation, or replacement of facilities, including equipment, damaged or destroyed as a result of the Alaska earthquake, to remain available until expended. \$20,000,000, of which \$7,800,000 may be made available to the Corps of Engineers for reconstruction of the Seward dock facilities.

FUNDS APPROPRIATED TO THE PRESIDENT

TRANSITIONAL GRANTS TO ALASKA

For an additional amount for "Transitional grants to Alaska", as authorized by section 44 of the Alaska Omnibus Act (75 Stat. 151), as amended, \$17,000,000, to remain available until June 30, 1965.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PUBLIC HEALTH SERVICE

CONSTRUCTION OF INDIAN HEALTH FACILITIES

For an additional amount for "Construction of Indian Health Facilities", \$750,000, to remain available until expended.

73 Stat. 151.
48 USC prec.
21 note.

INDEPENDENT OFFICES

FEDERAL RECONSTRUCTION AND DEVELOPMENT PLANNING COMMISSION
FOR ALASKA

SALARIES AND EXPENSES

For necessary expenses of the Federal Reconstruction and Development Planning Commission for Alaska, established by Executive Order 11150 of April 2, 1964, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed \$75 per diem, \$150,000, to remain available until June 30, 1965.

29 F.R. 4789.

60 Stat. 810.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$67,000.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$38,000.

CHAPTER VI

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES

For an additional amount for "Manpower Development and Training Activities", \$20,000,000, to be available without regard to the provisions of section 301 of the Act: *Provided*, That these funds shall be used only for training programs and State and local related costs under title II.

76 Stat. 30.
42 USC 2611.42 USC 2581-
2602.

BUREAU OF EMPLOYEES' COMPENSATION

EMPLOYEES' COMPENSATION CLAIMS AND EXPENSES

For an additional amount for "Employees' compensation claims and expenses", \$5,000,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PUBLIC HEALTH SERVICE

For additional amounts for appropriations of the Public Health Service as follows, to be derived by transfers from the appropriation for "National Heart Institute", fiscal year 1964:

- "Accident prevention", \$18,000;
- "Chronic diseases and health of the aged", \$216,000;
- "Community health practice and research", \$36,000;
- "Control of tuberculosis", \$22,000;
- "Control of venereal diseases", \$11,000;
- "Dental services and resources", \$52,000;
- "Nursing services and resources", \$33,000;

"Hospital construction activities", \$18,000;
 "Environmental health sciences", \$15,000;
 "Air pollution", \$45,000;
 "Milk, food, interstate, and community sanitation", \$64,000;
 "Occupational health", \$42,000;
 "Radiological health", \$232,000;
 "Water supply and water pollution control", \$89,000;
 "Hospitals and medical care", \$1,331,000;
 "Foreign quarantine activities", \$98,000;
 "Indian health activities", \$737,000;
 "Salaries and expenses, Office of the Surgeon General", \$20,000.

SAINT ELIZABETHS HOSPITAL

SALARIES AND EXPENSES

77 Stat. 239.

The total amount made available for "Salaries and expenses" in the "Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1964", is hereby increased from \$27,413,000 to \$27,909,000.

WELFARE ADMINISTRATION

GRANTS TO STATES FOR PUBLIC ASSISTANCE

For an additional amount for "Grants to States for public assistance", \$159,600,000.

UNITED STATES SOLDIERS' HOME

LIMITATION ON OPERATION AND MAINTENANCE AND CAPITAL OUTLAY

In addition to the amount otherwise available for maintenance and operation of the Soldiers' Home, \$40,000 shall be available from the Soldiers' Home permanent fund for such purposes during the current fiscal year.

CHAPTER VII

LEGISLATIVE BRANCH

SENATE

CONTINGENT EXPENSES OF THE SENATE

FOLDING DOCUMENTS

For an additional amount for "Folding Documents", \$10,000.

HOUSE OF REPRESENTATIVES

For payment to Irene B. Baker, widow of Howard H. Baker, late a Representative from the State of Tennessee, \$22,500.

For payment to Mary E. Green, widow of William J. Green, Jr., late a Representative from the State of Pennsylvania, \$22,500.

For payment to Nettie E. O'Brien, widow of Thomas J. O'Brien, late a Representative from the State of Illinois, \$22,500.

For payment to Ida W. Cannon, widow of Clarence Cannon, late a Representative from the State of Missouri, \$22,500.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

Capitol Buildings

For an additional amount for "Capitol buildings", \$16,000.

Capitol Grounds

For an additional amount for "Capitol grounds", \$4,000.

Legislative Garage

For an additional amount for "Legislative garage", \$800.

Senate Office Buildings

For an additional amount for "Senate Office buildings", \$25,000.

House Office Buildings

For an additional amount for "House office buildings", \$5,000.

Capitol Power Plant

For an additional amount for "Capitol power plant", \$10,000.

LIBRARY BUILDINGS AND GROUNDS

Structural and Mechanical Care

For an additional amount for "Structural and mechanical care", \$12,000.

BOTANIC GARDEN

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$2,000.

CHAPTER VIII

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

Operation and Maintenance, General

For an additional amount for "Operation and maintenance, general", \$1,700,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BONNEVILLE POWER ADMINISTRATION

OPERATION AND MAINTENANCE

For an additional amount for "Operation and maintenance", \$340,000.

CHAPTER IX
DEPARTMENT OF JUSTICE
LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

FEES AND EXPENSES OF WITNESSES

For an additional amount for "Fees and expenses of witnesses", including an additional amount of not to exceed \$50,000 for compensation and expenses of witnesses (including expert witnesses) or informants, \$300,000.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES, BUREAU OF PRISONS

For an additional amount for "Salaries and expenses, Bureau of Prisons", \$140,000.

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for "Support of United States Prisoners", \$200,000.

DEPARTMENT OF COMMERCE

COAST AND GEODETIC SURVEY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", to remain available until June 30, 1965, \$1,720,000, of which \$600,000 shall be derived by transfer from the appropriation to the Department of Commerce for "Participation in Century 21 Exposition".

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

CARE OF THE BUILDING AND GROUNDS

For an additional amount for "Care of the building and grounds", \$6,900.

CHAPTER X

TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$29,000, to be derived by transfer from the appropriation for "Salaries and expenses, Office of the Treasurer", fiscal year 1964.

BUREAU OF CUSTOMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$115,000, to be derived by transfer from the appropriation for "Salaries and expenses, Office of the Treasurer", fiscal year 1964.

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", \$10,800,000, of which \$500,000 is to be derived by transfer from the appropriation for "Salaries and expenses, Office of the Treasurer", fiscal year 1964.

RETIRED PAY

For an additional amount for "Retired pay", \$800,000, to be derived by transfer from the appropriation for "Salaries and expenses, Office of the Treasurer", fiscal year 1964.

RESERVE TRAINING

For an additional amount for "Reserve training", \$700,000, to be derived by transfer from the appropriation for "Salaries and expenses, Office of the Treasurer", fiscal year 1964.

CHAPTER XI

CLAIMS AND JUDGMENTS

For payment of claims as settled and determined by departments and agencies in accord with law, and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in Senate Documents Numbered 50, 74, and 75 and House Document Numbered 300, Eighty-eighth Congress, \$12,831,443, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That, unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act.

Approved June 9, 1964.

Public Law 88-318

JOINT RESOLUTION

Commemorating the golden anniversary of the Naval Air Station, Pensacola, Florida, and authorizing the design and manufacture of a galvano in commemoration of this significant event.

June 12, 1964

[H. J. Res. 889]

Whereas the city of Pensacola proposes to celebrate with appropriate ceremonies the golden anniversary of the Naval Air Station, Pensacola, Florida, on June 13, 1964; and

Whereas, while there was limited naval aviation activity prior to the establishment of a school for training of naval aviators at Pensacola, the Naval Air Station, Pensacola, is regarded as the first home for naval aviators; and

Whereas the training programs of the Naval Air Station, Pensacola, have significantly contributed to the defense of the United States and, through its training programs for friendly governments, has contributed to the defense of the free world; and

Whereas a celebration of the character planned will contribute greatly to the educational and cultural welfare and to the defense of the people of the United States by highlighting the great traditions of naval aviation which have been handed down through the years and which must be kept intact in today's troubled world; and

Whereas appropriate recognition is taken of the contributions, the interest, and the warm friendship shown by the people of Pensacola and Escambia County through these fifty years for the personnel of the Naval Air Station, Pensacola, Florida; and

Whereas the Congress of the United States recognizes with appreciation the significance of these events toward maintaining world peace through strength of naval aviation and through the greatness of the hearts of the Navy men who have given naval aviation that strength: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized to design and manufacture, and to accept payment therefor from private sources, a galvano of appropriate design commemorating the golden anniversary of the Naval Air Station, Pensacola, Florida. The payment of such cost, if any, to the Government shall be reimbursed to the appropriation of the Bureau of the Mint, by the Fiesta of Five Flags and Naval Aviators Homecoming Celebration, 330 Brent Building, Pensacola, Florida.

Approved June 12, 1964.

Naval Air Station, Pensacola, Fla.
Golden anniversary medal.

Public Law 88-319

AN ACT

June 12, 1964
[H. R. 10774]

To authorize the disposal, without regard to the prescribed six-month waiting period, of cadmium from the national stockpile and the supplemental stockpile.

Cadmium disposal.
77 Stat. 6.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to the cadmium authorized to be disposed of by Public Law 88-8, the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately five million additional pounds of cadmium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)). Such disposition may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Approved June 12, 1964.

60 Stat. 596.

73 Stat. 607.

Public Law 88-320

AN ACT

June 13, 1964
[H. R. 7332]

Granting the consent of Congress to a further supplemental compact or agreement between the State of New Jersey and the Commonwealth of Pennsylvania concerning the Delaware River Port Authority, formerly the Delaware River Joint Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the supplemental compact or agreement set forth below, and to each and every term and provision thereof: *Provided*, That nothing therein contained shall be construed to affect, impair, or diminish any right, power, or jurisdiction of the United States or of any court, department, board, bureau, officer, or official of the United States, over or in regard to any navigable waters, or any commerce between the States or with foreign countries, or any bridge, railroad, highway, pier, wharf, or other facility or improvement, or any other person, matter, or thing, forming the subject matter of said supplemental compact or agreement or otherwise affected by the terms thereof: *Provided further*, That nothing in this Act shall be construed as granting the consent of Congress in advance to the performance or effectuation of any purposes set forth in article I, paragraph (1) not now otherwise permitted or provided for under the Agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Joint Commission as a body corporate and politic and defining its power and duties, which was executed on behalf of the Commonwealth of Pennsylvania by its Governor on July first, one thousand nine hundred and thirty-one, and on behalf of the State of New Jersey by the New Jersey Interstate Bridge Commission by its members on July first, one thousand nine hundred and thirty-one, and which was consented to by the Congress by Public Resolution Number twenty-six, being chapter two hundred fifty-eight of the Public Laws, Seventy-second Congress, approved June fourteenth, one thousand nine hundred and thirty-two, as heretofore amended and supplemented and as amended and supplemented by the supplemental compact or agreement hereby consented to:

New Jersey-Pennsylvania interstate compact.
Consent of Congress.

47 Stat. 308.

SUPPLEMENTAL AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY FURTHER AMENDING AND SUPPLEMENTING THE AGREEMENT ENTITLED "AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY CREATING THE DELAWARE RIVER JOINT COMMISSION AS A BODY CORPORATE AND POLITIC AND DEFINING ITS POWERS AND DUTIES" ENLARGING THE PUBLIC PURPOSES OF THE DELAWARE RIVER PORT AUTHORITY AND EXTENDING ITS JURISDICTION, POWERS AND DUTIES AND DEFINING SUCH ADDITIONAL PURPOSES, JURISDICTION, POWERS AND DUTIES.

The Commonwealth of Pennsylvania and the State of New Jersey do hereby solemnly covenant and agree, each with the other, as follows:

(1) Article I of the compact or agreement entitled "Agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating The Delaware River Joint Commission as a body corporate and politic and defining its powers and duties", which was executed on behalf of the Commonwealth of Pennsylvania by its Governor on July first, one thousand nine hundred and thirty-one, and on behalf of the State of New Jersey by the New Jersey Interstate Bridge Commission by its members on July first, one thousand nine hundred and thirty-one, and which was consented to by the Congress of the

United States by Public Resolution Number twenty-six, being chapter two hundred fifty-eight of the Public Laws, Seventy-second Congress, approved June fourteenth, one thousand nine hundred and thirty-two, as heretofore amended and supplemented, is amended to read as follows:

ARTICLE I

Delaware River
Port Authority.

The body corporate and politic, heretofore created and known as The Delaware River Joint Commission, hereby is continued under the name of The Delaware River Port Authority (hereinafter in this agreement called the "commission"), which shall constitute the public corporate instrumentality of the Commonwealth of Pennsylvania and the States of New Jersey for the following public purposes, and which shall be deemed to be exercising an essential governmental function in effectuating such purposes, to wit:

Purposes.

(a) The operation and maintenance of the bridge, owned jointly by the two States, across the Delaware River between the City of Philadelphia in the Commonwealth of Pennsylvania and the City of Camden in the State of New Jersey, including its approaches, and the making of additions and improvements thereto.

(b) The effectuation, establishment, construction, operation and maintenance of railroad or other facilities for the transportation of passengers across any bridge or tunnel owned or controlled by the commission, including extensions of such railroad or other facilities within the City of Camden and the City of Philadelphia necessary for efficient operation in the Port District.

(c) The improvement and development of the Port District for port purposes by or through the acquisition, construction, maintenance or operation of any and all projects for the improvement and development of the Port District for port purposes, or directly related thereto, either directly by purchase, lease or contract, or by lease or agreement with any other public or private body or corporation, or in any other manner.

(d) Cooperation with all other bodies interested or concerned with, or affected by the promotion, development or use of the Delaware River and the Port District.

(e) The procurement from the Government of the United States of any consents which may be requisite to enable any project within its powers to be carried forward.

(f) The construction, acquisition, operation and maintenance of other bridges and tunnels across or under the Delaware River, between the City of Philadelphia or the County of Delaware in the Commonwealth of Pennsylvania, and the State of New Jersey, including approaches, and the making of additions and improvements thereto.

(g) The promotion as a highway of commerce of the Delaware River, and the promotion of increased passenger and freight commerce on the Delaware River and for such purpose the publication of literature and the adoption of any other means as may be deemed appropriate.

(h) To study and make recommendations to the proper authorities for the improvement of terminal, lighterage, wharfage, warehouse and other facilities necessary for the promotion of commerce on the Delaware River.

(i) Institution through its counsel, or such other counsel as it shall designate, or intervention in, any litigation involving rates, preferences, rebates or other matters vital to the interest of the Port District: *Provided*, That notice of any such institution of or intervention in litigation shall be given promptly to the Attorney General of the Commonwealth of Pennsylvania and to the Attorney General of the

State of New Jersey, and provision for such notices shall be made in a resolution authorizing any such intervention or litigation and shall be incorporated in the minutes of the commission.

(j) The establishment, maintenance, rehabilitation, construction and operation of a rapid transit system for the transportation of passengers, express, mail, and baggage, or any of them, between points in New Jersey within the Port District and within a thirty-five (35) mile radius of the City of Camden, New Jersey, and points within the City of Philadelphia, Pennsylvania, and intermediate points. Such system may be established by utilizing existing rapid transit systems, railroad facilities, highways and bridges within the territory involved and by the construction or provision of new facilities where deemed necessary, and may be established either directly by purchase, lease or contract, or by lease or agreement with any other public or private body or corporation, or in any other manner.

(k) The performance of such other functions which may be of mutual benefit to the Commonwealth of Pennsylvania and the State of New Jersey insofar as concerns the promotion and development of the Port District for port purposes and the use of its facilities by commercial vessels.

(1) The performance or effectuation of such additional bridge, tunnel, railroad, rapid transit, transportation, transportation facility, terminal, terminal facility, and port improvement and development purposes within the Port District as may hereafter be delegated to or imposed upon it by the action of either State concurred in by legislation of the other.

(2) Said compact or agreement is further amended and supplemented by adding thereto, as a part thereof, following Article XII-A thereof, a new article reading as follows:

ARTICLE XII-B

(1) In addition to other public purposes provided for it and other powers and duties conferred upon it, and not in limitation thereof, and notwithstanding the provisions of any other article hereof, the Commission shall have among its authorized purposes, and it shall have the power to effectuate, the construction, operation and maintenance of a bridge for vehicular traffic across the Delaware River, between a point or points in the Township of Logan, New Jersey, and a point or points in the City of Chester, Pennsylvania, including approaches thereto.

Delaware River.
Bridge construction,
authorization.

(2) In addition to other public purposes provided for it and other powers and duties conferred upon it, and not in limitation thereof, and notwithstanding the provisions of any other article hereof, the Commission shall have among its authorized purposes, and it shall have the power to effectuate, the establishment, rehabilitation, equipment, construction, maintenance and operation of ferries for passengers and vehicular traffic over and across the Delaware River within the Port District between the Commonwealth of Pennsylvania and the State of New Jersey. Such ferries may be established either directly by purchase, lease or contract, or by lease or agreement with any other public or private body or corporation, or in any other manner, and may be established by utilizing any existing ferries within the Port District across the Delaware River between said Commonwealth and said State and by the construction or provision of new facilities where deemed necessary. Any such ferry may include such approach highways and interests in land or other property necessary therefor in the Commonwealth of Pennsylvania or the State of New Jersey as may be determined by the Commission to be necessary to facilitate the flow

Ferry operation,
establishment,
maintenance, etc.

of traffic in the vicinity of any such ferry or to connect any such ferry with the highway system or other traffic facilities in said Commonwealth or said State.

Land acquisition.

(3) (a) For the effectuation of any of its purposes authorized by this article, the Commission is hereby granted, in addition to any other powers heretofore or hereafter granted to it, power and authority to acquire in its name by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain, any such land and other property which it may determine is reasonably necessary to acquire for any of its purposes authorized by this article and any and all rights, title and interest in such land and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, owned by or in which any county, city, borough, town, township, village, or other political subdivision of the State of New Jersey or the Commonwealth of Pennsylvania has any right, title or interest, or parts thereof or rights therein, and any fee simple absolute or any lesser interest in private property, and any fee simple absolute in, easements upon, or the benefit of restrictions upon, abutting property to preserve and protect such land and other property. Upon the exercise of the power of eminent domain under this paragraph, the compensation to be paid with regard to property located in the State of New Jersey shall be ascertained and paid in the manner provided in Title 20 of the Revised Statutes of New Jersey insofar as the provisions thereof are applicable and not inconsistent with the provisions contained in this paragraph, and with regard to property located in the Commonwealth of Pennsylvania shall be ascertained and paid in the manner provided by the act approved the ninth day of July, one thousand nine hundred nineteen (Pamphlet Laws 814) and acts amendatory thereof and supplementary thereto, insofar as the provisions are applicable and not inconsistent with the provisions contained in this paragraph. The Commission may join in separate subdivisions in one petition or complaint the descriptions of any number of tracts or parcels of such land and other property to be condemned, and the names of any number of owners and other parties who may have an interest therein, and all such land and other property included in said petition or complaint may be condemned in a single proceeding: *Provided, however*, That separate awards shall be made for each tract or parcel of such land or other property: *And provided further*, That each of said tracts or parcels of such land or other property lies wholly in or has a substantial part of its value lying wholly within the same county.

(b) Whenever the Commission acquires under this paragraph (3) the whole or any part of the right of way of a public utility located in the Commonwealth of Pennsylvania, the Commission shall, at its own expense, provide a substitute right of way on another and favorable location. Such public utility shall thereupon provide for the transfer to, or reconstruction upon, in, under or above said substitute right of way of any structures and facilities of said public utility located upon, in, under or above said original right of way at the time the same is so acquired. The Commission is hereby authorized to enter into agreements with such public utility to contribute toward the expense of such transfer or reconstruction, and in the event that they are unable to agree on the amount to be paid, the matter shall be referred to the Pennsylvania Public Utility Commission which shall, after hearing thereon, make a finding of the amount to be paid to such public utility by the Commission. In case of failure of such public utility, within a reasonable time after notice so to do, to remove its facilities to such substitute right of way, the Pennsylvania Public

Utility Commission shall have jurisdiction, on petition of the Commission, to order such transfer or reconstruction. Any party to such proceedings shall have the right of appeal from the ruling of the Pennsylvania Public Utility Commission. The Delaware River Port Authority is hereby authorized to acquire, by purchase or by the exercise of the power of eminent domain, any necessary land or right of way for the relocation of any such public utility right of way and facilities. The substitute right of way thus acquired shall be equal in estate to the original right of way acquired from the public utility, and the Commission shall deliver to the public utility a deed, duly executed and acknowledged, conveying to it an estate in the substitute right of way at least equal to that owned by the public utility in the original right of way, or if such substitute right of way is to be acquired by purchase, the Commission shall procure and deliver to the public utility a deed conveying such estate to it from the owner of the land on which such substitute right of way is located.

This sub-paragraph (b) shall have no application to the relocation of public utility facilities located in the beds of public streets, roads or highways.

(c) In addition to any other powers heretofore or hereafter granted to it, the Commission, in connection with construction or operation of any project for the effectuation of any of its purposes authorized by this article, shall have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles or any other equipment and appliances (in this sub-paragraph (c) called "works") located in the State of New Jersey of any public utility as defined in section 48:2-13 of the revised statutes of New Jersey, in, on, along, over or under any such project. Whenever in connection with the construction or operation of any such project the Commission shall determine that it is necessary that any such works, which now are or hereafter may be located in, on, along, over or under any such project should be relocated in such project, or should be removed therefrom, the public utility owning or operating such works shall relocate or remove the same in accordance with the order of the Commission, provided, however, That, except in the case of the relocation or removal of such works located in, on, along, over or under public streets, roads or highways, the cost and expenses of such relocation or removal, including the cost of installing such works in a new location or new locations, and the cost of any lands or any rights or interest in lands or any other rights acquired to accomplish such relocation or removal, less the cost of any lands or any rights or interests in lands or any other rights of the public utility paid to the public utility in connection with the relocation or removal of such works, shall be paid by the Commission and shall be included in the cost of such project. In case of any such relocation or removal of works as aforesaid, the public utility owning or operating the same, its successors or assigns, may maintain and operate such works, with the necessary appurtenances, in the new location or new locations for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such works in their former location.

Public utility
equipment, instal-
lation, relocation,
etc.

In case of any such relocation or removal of works, as aforesaid, the Commission shall own and maintain, repair and renew structures within the rights of way of railroad companies carrying any such project over railroads, and the Commission shall bear the cost of maintenance, repair and renewal of structures within the rights of way of railroad companies carrying railroads over any such project, but this provision shall not relieve any railroad company from responsibility for damage caused to any authority or railroad structure by the operation of its

railroad. Such approaches, curbing, sidewalk paving, guard rails on approaches and surface paving on such projects as shall be within the rights of way of a railroad company or companies shall be owned and maintained, repaired and renewed by the Commission; rails, pipes and lines shall be owned and maintained, repaired and renewed by the railroad company or companies.

Approach high-
ways.
Approval of
plans.

(4) The power and authority granted in this article to the Commission to construct new or additional approach highways shall not be exercised unless and until the Department of Highways of the Commonwealth of Pennsylvania shall have filed with the Commission its written approval as to approach highways to be located in said Commonwealth and the State Highway Department of the State of New Jersey shall have filed with the Commission its written approval as to approach highways to be located in said State.

(5) The effectuation of any of the purposes authorized by this article, and the exercise or performance by the Commission of any of its powers or duties in connection with effectuation of any such purpose, shall not be subject to any restrictions, limitations or provisions provided for or set forth in Article XII hereof. The bridge or ferries referred to in this article may be established, constructed or erected by the Commission notwithstanding the terms and provisions of any other agreement between the Commonwealth of Pennsylvania and the State of New Jersey.

(6) The Commission shall not construct or erect the bridge referred to in this article unless and until the Governor of the State of New Jersey and the Governor of the Commonwealth of Pennsylvania shall have filed with the Commission their written consents to such construction or erection.

Additional
powers.

(7) The Commission is hereby granted the following powers in addition to any other powers heretofore or hereafter granted to it:

(a) To abandon, close off, dismantle, sell or otherwise dispose of, any project or facility, or any part thereof, or any other property, which the Commission may determine to be no longer useful or necessary for public use.

(b) To effectuate any of its authorized purposes either directly or indirectly by or through wholly owned subsidiary corporations. Any such subsidiary corporation shall be a public corporate instrumentality of the Commonwealth of Pennsylvania and the State of New Jersey for such purposes and shall be deemed to be exercising an essential governmental function in effectuating such purposes. Any such subsidiary corporation and any of its property, functions and activities shall have such of the privileges, immunities, tax and other exemptions of the Commission and of the Commission's property, functions and activities, and such of the rights, powers and duties of the Commission, as the Commission shall determine.

(8) The power of the Commission, which is hereby confirmed, to purchase, construct, lease, finance, operate, maintain and own a terminal facility consisting in whole or in part of a parking area or place, garage, building, improvement, structure, or other accommodation for the parking or storage of motor or other vehicles, including all real or personal property necessary or desirable in connection therewith, shall, notwithstanding any other provision of this agreement, be exercised only at such place, in the vicinity of and in connection with, or as a part of any bridge, tunnel, ferry, railroad, rapid transit system, transportation or terminal facility, as the Commission may determine to be necessary or desirable.

IN WITNESS WHEREOF, this 25th day of June, 1963, RICHARD J. HUGHES has affixed his signature hereto as Governor of the State of New Jersey and caused the great seal of the State to be attached hereto.

S/ Richard J. Hughes
GOVERNOR,
STATE OF NEW JERSEY

Attest:

S/ Robert J. Burkhardt
SECRETARY OF STATE

IN WITNESS WHEREOF, this 26th day of June, 1963, WILLIAM W. SCRANTON has affixed his signature hereto as Governor of the Commonwealth of Pennsylvania and caused the great seal of the Commonwealth to be attached hereto.

S/ William W. Scranton
GOVERNOR,
COMMONWEALTH OF PENNSYLVANIA

Attest:

S/ George I. Bloom
SECRETARY OF THE COMMONWEALTH

SEC. 2. Public Laws 573 and 574, being respectively chapter 921 and chapter 922 of the Public Laws, Eighty-second Congress, second session, both approved July 17, 1952, are hereby confirmed and continued and shall be construed to apply to the aforesaid supplemental compact or agreement as if the supplemental compact or agreement had been consented to by such Public Laws.

Continuation of
provisions.
66 Stat. 738, 747.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved June 13, 1964.

Public Law 88-321

JOINT RESOLUTION

To increase the amount authorized to be appropriated for the work of the President's Committee on Employment of the Physically Handicapped.

June 24, 1964
[S. J. Res. 103]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint Resolution authorizing an appropriation for the work of the President's Committee on National Employ the Physically Handicapped Week", approved July 11, 1949 (63 Stat. 409), as amended, is amended by striking out "\$300,000" and inserting in lieu thereof "\$400,000".

74 Stat. 913.

Approved June 24, 1964.

Public Law 88-322

AN ACT

June 25, 1964
[H. R. 9934]

To authorize the construction of a dam on the Saint Louis River, Minnesota.

Minnesota.
St. Louis River,
construction of
dam.
30 Stat. 1151.

Termination of
authority.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted for the purposes of section 9 of the Act of March 3, 1899 (33 U.S.C. 401), to the Eveleth Taconite Company, a Minnesota corporation, its successors and assigns, to construct a dam on the Saint Louis River, Minnesota, townships 56 and 57 north, range 18 west, Saint Louis County, Minnesota.

SEC. 2. The authority granted by this Act shall terminate if the actual construction of the dam hereby authorized is not commenced within five years and completed within ten years from the date of the passage of this Act.

Approved June 25, 1964.

Public Law 88-323

AN ACT

June 25, 1964
[H. R. 10465]

To extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders.

U.S. personnel.
Personal and
household ef-
fects, free im-
portation.
77A Stat. 434,
19 USC 1202.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) item 915.20 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, page 434, Aug. 17, 1963) is amended by striking out "On or before 6/30/64" and inserting in lieu thereof "On or before 6/30/66".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1964.

Approved June 25, 1964.

Public Law 88-324

AN ACT

June 29, 1964
[H. R. 10463]

To continue until the close of June 30, 1965, the existing suspension of duties for metal scrap.

Metal scrap.
Duty suspen-
sion.

77A Stat. 433,
19 USC 1202.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the matter appearing in the effective period column for items 911.10, 911.11, and 911.12 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, page 433, Aug. 17, 1963) is amended by striking out "On or before 6/30/64" and inserting in lieu thereof "On or before 6/30/65".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1964.

Approved June 29, 1964.

Public Law 88-325

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1965, and for other purposes.

June 29, 1964
[H. J. Res. 1056]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government, for the fiscal year 1965, namely:

Continuing appropriations, 1965.

SEC. 101. (a) (1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1964 and for which appropriations, funds, or other authority would be available in the following appropriation Acts for the fiscal year 1965:

District of Columbia Appropriation Act;
Department of the Interior and Related Agencies Appropriation Act;
Treasury-Post Office Departments and Executive Office Appropriation Act;
Legislative Branch Appropriation Act;
Departments of Labor and Health, Education, and Welfare Appropriation Act;
Department of Defense Appropriation Act;
Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act;
Department of Agriculture and Related Agencies Appropriation Act;
Independent Offices Appropriation Act;
Military Construction Appropriation Act; and the
Public Works Appropriation Act.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be available or granted under such Act as passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

(4) Whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority, granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower: *Provided*, That no provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act for the fiscal year 1964, and which by its terms is applicable to more than one appropriation, fund, or authority, shall be applicable to any appropriation, fund, or authority, provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and Senate.

(b) Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1964 and are listed in this subsection at a rate for operations not in excess of the current

rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority:

Foreign assistance and other activities for which provision was made in the Foreign Aid and Related Agencies Appropriation Act, 1964;

National Aeronautics and Space Administration; and
Department of Health, Education, and Welfare:

Office of Education: Grants for library services.

(c) Such amounts as may be necessary for continuing projects or activities which were conducted by the Department of Health, Education, and Welfare in the fiscal year 1964 and are listed in this subsection at a rate for operations not in excess of the current rate:

Public health traineeship grants under section 306 of the Public Health Service Act, as amended;

Professional nurse traineeship grants under section 307 of the Public Health Service Act, as amended;

Hospital and medical facilities construction grants under parts C and G of title VI of the Public Health Service Act, as amended;

Assistance for repatriated United States nationals under section 1113 of the Social Security Act, as amended; and

Activities under the appropriation "Juvenile delinquency and youth offenses".

(d) Such amounts as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for the fiscal year 1965.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation for any project or activity provided in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) August 31, 1964, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations set forth in subsection (d) (2) of section 3679 of the Revised Statutes, as amended, and expenditures therefrom shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 104. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity which was not being conducted during the fiscal year 1964. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

Approved June 29, 1964.

Public Law 88-326

AN ACT

June 29, 1964
[H. R. 9720]

Authorizing a study of dust control measures at Long Island, Port Isabel, Texas.

Dust control
study.
Port Isabel,
Tex.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief of Engineers is hereby authorized to undertake a study of the adverse

effects of dust storms from Long Island, Port Isabel, Texas, at a cost not to exceed \$50,000, with a view toward establishing such remedial and protective measures as in his judgment may be deemed necessary to prevent said adverse effects.

Approved June 29, 1964.

Public Law 88-327

AN ACT

To provide, for the period ending June 30, 1965, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act.

June 29, 1964
[H. R. 11375]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the period beginning on the date of the enactment of this Act and ending on June 30, 1965, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act, as amended (31 U.S.C. 757b), shall be temporarily increased to \$324,000,000,000.

Public debt
limit.
Temporary in-
crease.

77 Stat. 342.

Approved June 29, 1964.

Public Law 88-328

AN ACT

To amend the joint resolution establishing the Battle of Lake Erie Sesquicentennial Celebration Commission so as to authorize an appropriation to carry out the provisions thereof.

June 29, 1964.
[S. 1828]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the joint resolution entitled "Joint Resolution to establish a Commission to develop and execute plans for the celebration of the one hundred and fiftieth anniversary of the Battle of Lake Erie, and for other purposes", approved October 24, 1962 (Public Law 87-883; 76 Stat. 1245), is amended as follows:

Battle of Lake
Erie Sesquicen-
tennial Celebra-
tion Commission.
Appropriation
authorization.

(1) In subsection (a) strike out the colon and the words "Provided, however, That all expenditures of the Commission shall be made from donated funds only".

(2) Add the following new subsection:

"(e) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution, but in no event shall the sums hereby authorized to be appropriated exceed a total of \$13,553.23."

Approved June 29, 1964.

Public Law 88-329

AN ACT

To continue for a temporary period the existing suspension of duty on certain natural graphite.

June 29, 1964
[H. R. 10537]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) item 909.20 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, page 433, Aug. 17, 1963) is amended by striking out "On or before 6/30/64" and inserting in lieu thereof "On or before 6/30/66".

Graphite.
Duty suspension.

77A Stat. 433,
19 USC 1202.

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1964.

Approved June 29, 1964.

Public Law 88-330

AN ACT

June 29, 1964
[H. R. 9964]

To extend for two years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments.

Reconstruction
Finance Corpora-
tion.

76 Stat. 805.

40 USC 523.

40 USC 524.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 703 of the Federal Property and Administrative Services Act of 1949 (69 Stat. 722) is amended by striking out the figures "1965", and inserting in lieu thereof the figures "1967".

(b) Section 704 of such Act (69 Stat. 723) is amended by striking out the figures "1964", and inserting in lieu thereof the figures "1966".

Approved June 29, 1964.

Public Law 88-331

AN ACT

June 30, 1964
[H. R. 2652]

To amend the Tariff Act of 1930 to provide for the duty-free importation of certain wools for use in the manufacturing of polishing felts.

Wool.
Free entry.

77A Stat. 124.
19 USC 1202.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the article description for item 306.00 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, page 124, Aug. 17, 1963) is amended by adding at the end thereof "; and Karakul wools, and other wools of whatever blood or origin not finer than 40s, entered by a dealer, manufacturer, or processor for use only in the manufacture of pressed felt for polishing plate and mirror glass".

(b) Paragraph (a) of headnote 4 to subpart C of part 1 of schedule 3 of such title I (Tariff Schedules of the United States; 28 F.R., part II, page 122, Aug. 17, 1963) is amended to read as follows:

"(a) a tolerance of not more than 10 percent of wools other than Karakul not finer than 44s may be allowed in each bale or package of wools imported as not finer than 40s, and a tolerance of not more than 10 percent of wools not finer than 48s may be allowed in each bale or package of wools imported as not finer than 46s;"

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act. Upon request therefor filed with the collector of customs concerned on or before the 120th day after the date of the enactment of this Act, entries and withdrawals of articles described in the amendment made by subsection (a) (as modified by the amendment made by subsection (b)) which were made on or after November 2, 1962, and before the date of the enactment of this Act (whether before, on, or after the effective date of the Tariff Schedules of the United States) shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entries and withdrawals had been made on the date of the enactment of this Act.

Approved June 30, 1964.

46 Stat. 734.
19 USC 1514.

Public Law 88-332

AN ACT

June 30, 1964
[H. R. 10945]

To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended, the sum of \$2,636,577,000 as follows:

(a) For "Operating expenses," \$2,298,467,000: *Provided*, That in the total amount authorized by this subsection there is included the amount of \$1,000,000, which is in addition to the amount of \$5,000,000 previously authorized in section 110 of Public Law 86-457 for use in a cooperative program of research and development with the Government of Canada: *Provided further*, That in the total amount authorized by this subsection there is included the amount of \$3,000,000 which is in addition to the sum of \$22,500,000 previously authorized for carrying out the purposes of section 3 of Public Law 85-846, providing for cooperation with the European Atomic Energy Community.

(b) For "Plant and capital equipment," including construction, acquisition, or modification of facilities, including land acquisition; construction planning and design; and acquisition and fabrication of capital equipment not related to construction, \$338,110,000 as follows:

(1) SPECIAL NUCLEAR MATERIALS.—

Project 65-1-a, radio-surgery facility, Richland, Washington, \$250,000.

Project 65-1-b, isotopes production plant, Richland, Washington, \$9,000,000.

(2) ATOMIC WEAPONS.—

Project 65-2-a, materials processing facilities, Mound Laboratory, Miamisburg, Ohio, \$565,000.

Project 65-2-b, analytical laboratory expansion, Rocky Flats, Colorado, \$3,000,000.

Project 65-2-c, weapons production, development and test installations, \$10,000,000.

Project 65-2-d, process facility addition, Savannah River, South Carolina, \$3,700,000.

Project 65-2-e, high velocity test facility, Sandia Base, New Mexico, \$1,350,000.

(3) ATOMIC WEAPONS.—

Project 65-3-a, environmental control facilities, Kansas City, Missouri, \$1,000,000.

Project 65-3-b, utility and supporting services additions, Rocky Flats, Colorado, \$2,245,000.

Project 65-3-c, supplemental water supply, Los Alamos Scientific Laboratory, New Mexico, \$1,550,000.

Project 65-3-d, experimental physics facilities additions, Lawrence Radiation Laboratory, Livermore, California, \$4,090,000.

Project 65-3-e, chemistry development facilities, Lawrence Radiation Laboratory, Livermore, California, \$2,000,000.

Project 65-3-f, base support facilities, Nevada Test Site, Nevada, \$620,000.

Atomic Energy
Commission.
Appropriation
authorization.

77 Stat. 88.
42 USC 2017.

Operating ex-
penses.

74 Stat. 123.

72 Stat. 1084.
42 USC 2292.

Facilities, com-
struction, acqui-
sition, etc.

(4) REACTOR DEVELOPMENT.—

Project 65-4-a, zero power plutonium reactor, National Reactor Testing Station, Idaho, \$3,000,000.

Project 65-4-b, power burst facility, National Reactor Testing Station, Idaho, \$8,100,000.

Project 65-4-c, research and development test plants, Project Rover, Los Alamos, Scientific Laboratory, New Mexico and Nevada Test Site, Nevada, \$3,000,000.

Project 65-4-d, modifications to reactors, \$3,000,000.

(5) PHYSICAL RESEARCH.—

Project 65-5-a, Argonne advanced research reactor, Argonne National Laboratory, Illinois, \$25,000,000.

Project 65-5-b, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, \$1,650,000.

Project 65-5-c, electron linear accelerator, Argonne National Laboratory, Illinois, \$875,000.

Project 65-5-d, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, \$1,700,000.

Project 65-5-e, accelerator improvements, Cambridge and Princeton accelerators, \$1,350,000.

Project 65-5-f, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, \$850,000.

Project 65-5-g, transuranium research laboratory, Oak Ridge National Laboratory, Tennessee, \$1,850,000.

(6) PHYSICAL RESEARCH.—

Project 65-6-a, lecture hall and cafeteria, Brookhaven National Laboratory, New York, \$2,300,000.

Project 65-6-b, site utilities, Brookhaven National Laboratory, New York, \$675,000.

Project 65-6-c, computer data processing building, Lawrence Radiation Laboratory, Berkeley, California, \$2,400,000.

Project 65-6-d, heavy ion linear accelerator additions, Lawrence Radiation Laboratory, Berkeley, California, \$525,000.

Project 65-6-e, high energy physics laboratory, California Institute of Technology, California, \$2,000,000.

(7) BIOLOGY AND MEDICINE.—

Project 65-7-a, co-carcinogenesis research laboratory, Oak Ridge National Laboratory, Tennessee, \$2,070,000.

Project 65-7-b, atmospheric physics building, Richland, Washington, \$373,000.

Project 65-7-c, biomedical and animal laboratory, Lawrence Radiation Laboratory, Livermore, California, \$3,500,000.

(8) COMMUNITY.—

Project 65-8-a, classroom addition, Cumbres Junior High School, Los Alamos, New Mexico, \$340,000.

Project 65-8-b, classroom addition, White Rock Elementary School, Los Alamos, New Mexico, \$260,000.

Project 65-8-c, water distribution system additions, phase III, White Rock, Los Alamos, New Mexico, \$290,000.

Project 65-8-d, sewage disposal plant, White Rock, Los Alamos, New Mexico, \$610,000.

(9) GENERAL PLANT PROJECTS.—\$43,250,000.

(10) CONSTRUCTION PLANNING AND DESIGN.—\$3,000,000.

(11) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, \$186,772,000.

SEC. 102. PROJECT RESCISSIONS.—(a) Public Law 85-590, as amended, is further amended by rescinding therefrom authorization for projects, except for funds heretofore obligated, as follows:

Project rescissions.
72 Stat. 491, 492.

Project 59-e-3, two accelerators, beam analyzing system and magnet, Pennsylvania State University, Pennsylvania, \$950,000.

Project 59-e-12, research and engineering reactor, Argonne National Laboratory, design and engineering, \$1,000,000.

(b) Public Law 86-50, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

73 Stat. 82.

Project 60-e-7, nuclear test plant, Army Reactor Experimental Area (AREA), National Reactor Testing Station, Idaho, \$5,000,000.

(c) Public Law 86-457, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

74 Stat. 121.

Project 61-f-8, materials research laboratory, University of Illinois, \$5,600,000.

(d) Public Law 87-315, as amended, is further amended by rescinding therefrom the authorization for a project, except for funds heretofore obligated, as follows:

75 Stat. 676.

Project 62-a-4, solvent purification installation, Savannah River, South Carolina, \$500,000.

(e) Public Law 87-701, as amended, is further amended by rescinding therefrom authorization for projects, except for funds heretofore obligated, as follows:

76 Stat. 600.

Project 63-e-3, organic reactor project, \$20,000,000.

Project 63-j-3, two mobile irradiators, \$700,000.

(f) Public Law 88-72, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

77 Stat. 85.

Project 64-e-6, support facilities for advanced space power systems, National Reactor Testing Station, Idaho, \$1,800,000.

SEC. 103. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (4), and (5), only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

Cost limitations.

(b) The Commission is authorized to start any project set forth in subsections 101(b) (3), (6), (7), and (8), only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101(b) (9) only if it is in accordance with the following:

(1) For community operations, the maximum currently estimated cost of any project shall be \$100,000 and the maximum currently estimated cost of any building included in such project shall be \$10,000.

Community operations.

(2) For all other programs, the maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000.

General plant projects.

(3) The total cost of all projects undertaken under subsection 101(b) (9) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 104. The Commission is authorized to use funds appropriated pursuant to this authorization, and other funds currently available to the Commission, for the purpose of performing construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill

Engineering design.

transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Transfers of
amounts.

SEC. 105. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

71 Stat. 409;
77 Stat. 86.

SEC. 106. COOPERATIVE POWER REACTOR DEMONSTRATION PROGRAM.—Section 111 of Public Law 85-162, as amended, is further amended by striking out the date "June 30, 1964" in clause (3) of subsection (a) and inserting in lieu thereof the date "June 30, 1965".

Fission product
contracts, author-
ity.
31 USC 665.

SEC. 107. FISSION PRODUCT CONTRACTS.—(a) Without regard to section 3679 of the Revised Statutes, as amended, the Commission is authorized to enter into contracts for such periods of time as the Commission may deem necessary or desirable, for the purpose of making available fission products from Commission reactors, with or without charge for commercial application.

Contract termi-
nation.

(b) Any contract entered into by the Commission pursuant to this section shall be subject to termination by the Commission upon payment of cancellation costs as provided in such contract, and any appropriation presently or hereafter made available to the Commission shall be available for payment of such costs which may arise from termination as the contract may provide.

Report to Joint
Committee.

(c) Before the Commission enters into any arrangement or amendment thereto under the authority of this section, the basis for the proposed arrangement or amendment thereto which the Commission proposes to execute (with necessary background and explanatory data) shall be submitted to the Joint Committee, and a period of forty-five days shall elapse while Congress is in session in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment of more than three days: *Provided, however,* That the Joint Committee, after having received the basis for the proposed arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five-day period.

Time waiver.

Approved June 30, 1964.

Public Law 88-333

AN ACT

To provide for the tariff classification of certain particleboard.

June 30, 1964
[H. R. 8975]

Particleboard.
Tariff classifi-
cation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That wood particleboard which was entered, or withdrawn from warehouse, for consumption after July 11, 1957, and before August 31, 1963, shall be classified for duty purposes as wallboard under paragraph 1402 of the Tariff Act of 1930, if not excluded from classification under such paragraph by reason of any processing specified therein. The entries involved shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated in accordance with the preceding sentence, except that no refunds shall be allowed thereby unless claim therefor is filed with the collector of customs concerned within one hundred and twenty days after date of enactment of this Act.

46 Stat. 653.

46 Stat. 734.
19 USC 1514.

Approved June 30, 1964.

Public Law 88-334

AN ACT

To amend the Tariff Act of 1930 to provide that certain aircraft engines and propellers may be exported as working parts of aircraft, and for other purposes.

June 30, 1964
[H. R. 1608]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That headnote 1 for subpart C of part 5 of schedule 8 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, page 422, Aug. 17, 1963) is amended by adding at the end thereof the following: "For purposes of this headnote, an aircraft engine or propeller, or any part or accessory of either, imported under item 864.05, which is removed physically from the United States as part of an aircraft departing from the United States in international traffic shall be treated as exported."

Aircraft engines.
Exportation.

77A Stat. 422.
19 USC 1202.

SEC. 2. The amendment made by the first section shall be effective with respect to articles physically removed from the United States on or after the date of enactment of this Act, without regard to when such articles were admitted into the United States. For the purposes of the amendment made by the first section of this Act, articles imported before August 31, 1963, under section 308(1) of the Tariff Act of 1930 shall be treated as imported under item 864.05 of the Tariff Schedules of the United States.

72 Stat. 118.
19 USC 1308.

Approved June 30, 1964.

Public Law 88-335

AN ACT

To further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities, thereunder, and for other purposes.

June 30, 1964
[H. R. 10314]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), is further amended by striking the date June 30, 1964, where such appears in the second proviso of subsection 201(e), the fourth proviso of subsection 201(h), and subsection 205(h), and substituting in lieu thereof the date June 30, 1968.

Civil Defense
authorities.
64 Stat. 1246.

72 Stat. 533.

Approved June 30, 1964.

Public Law 88-336

AN ACT

To continue until the close of June 30, 1966, the existing suspension of duty on certain copying shoe lathes.

June 30, 1964
[H. R. 10468]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) item 911.70 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, page 434, Aug. 17, 1963) is amended by striking out "On or before 8/7/64" and inserting in lieu thereof "On or before 6/30/66".

Copying shoe
lathes.
Duty suspen-
sion.
77A Stat. 434.
19 USC 1202.

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, after August 7, 1964.

Approved June 30, 1964.

Public Law 88-337

AN ACT

June 30, 1964
[H. R. 4198]

To amend the Tariff Act of 1930 to provide for the free importation of soluble and instant coffee.

Coffee, instant.
Free entry.
77A Stat. 59,
19 USC 1202.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, page 59, Aug. 17, 1963) is amended by striking out items 160.20 and 160.21 and inserting in lieu thereof the following:

“		Coffee extracts, essences, and concentrates (including soluble or instant coffee):			
	160.20	Soluble or instant coffee (containing no admixture of sugar, cereal, or other additive)	Free		Free
	160.21	Other	3¢ per lb.		3¢ per lb.
	160.22	If products of Cuba	2.4¢ per lb. (s)		”

(b) Headnote 1 for subpart A of part 11 of schedule 1 of such title is amended by striking out “and 160.21,” and inserting in lieu thereof “160.21, and 160.22.”

Effective date.

SEC. 2. The amendments made by the first section of this Act shall apply to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act. Upon request therefor filed with the collector of customs concerned on or before the 120th day after the date of the enactment of this Act, entries and withdrawals of soluble or instant coffee (containing no admixture of sugar, cereal, or other additive) made before the date of the enactment of this Act (whether before, on, or after the effective date of the Tariff Schedules of the United States) which have not been liquidated or the liquidation of which has not become final on such date of enactment shall be liquidated or reliquidated as though such entries and withdrawals had been made on the date of the enactment of this Act.

Approved June 30, 1964.

Public Law 88-338

AN ACT

June 30, 1964
[H. R. 7480]

To suspend for a temporary period the import duty on manganese ore (including ferruginous ore) and related products.

Manganese ore.
Duty suspension.
77A Stat. 431.
19 USC 1202.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) subpart B of part 1 of the appendix to title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, Aug. 17, 1963) is amended by inserting immediately below item 911.05 the following new item:

“	911.07	Manganese ore, including ferruginous manganese ore, and manganiferous iron ore, all the foregoing containing over 10 percent by weight of manganese (provided for in item 601.27, part 1, schedule 6)	Free	1¢ per lb. on manganese content	On or before 6/30/67
					”

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this Act.

Approved June 30, 1964.

Public Law 88-339

AN ACT

To extend the Renegotiation Act of 1951, and for other purposes.

June 30, 1964
[H. R. 10669]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102(c) (1) of the Renegotiation Act of 1951, as amended (50 U.S.C. App., sec. 1212(c)(1)), is amended by striking out "June 30, 1964" and inserting in lieu thereof "June 30, 1966".

Renegotiation
Act of 1951.
Extension.
70 Stat. 786;
76 Stat. 134.

§ 2. Application to Federal Aviation Agency

(a) **IN GENERAL.**—Section 103 of the Renegotiation Act of 1951, as amended (50 U.S.C. App., sec. 1213), is amended—

(1) by inserting "the Federal Aviation Agency," after "the National Aeronautics and Space Administration," in subsection (a) thereof; and

(2) by inserting "the Administrator of the Federal Aviation Agency," after "the Administrator of the National Aeronautics and Space Administration," in subsection (b) thereof.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to contracts with the Federal Aviation Agency, and related subcontracts, only to the extent of the amounts received or accrued by a contractor or subcontractor after June 30, 1964.

Approved June 30, 1964.

Public Law 88-340

JOINT RESOLUTION

Temporarily extending the program of insured rental housing loans for the elderly in rural areas under title V of the Housing Act of 1949. [H. J. Res. 1041]

June 30, 1964

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 515(b)(5) of the Housing Act of 1949 is amended by striking out "June 30, 1964" and inserting in lieu thereof "September 30, 1964".

Housing for the
elderly.
76 Stat. 671.
42 USC 1485.

Approved June 30, 1964.

Public Law 88-341

AN ACT

To amend section 24 of the Federal Reserve Act (12 U.S.C. 371) to liberalize the conditions of loans by national banks on forest tracts.

June 30, 1964
[H. R. 8230]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph of section 24 of the Federal Reserve Act (12 U.S.C. 371) is amended to read:

"Any national banking association may make real estate loans secured by first liens upon forest tracts which are properly managed in all respects. Such loans shall be in the form of an obligation or obligations secured by mortgage, trust deed, or other such instrument; and any national banking association may purchase any obligation so secured when the entire amount of such obligation is sold to the association. The amount of any such loan shall not exceed 60 per centum of the appraised fair market value of the growing timber, lands, and

Federal Reserve
Act, amendment.
Forest tracts
loans.
67 Stat. 614.

improvements thereon offered as security and the loan shall be made upon such terms and conditions as to assure that at no time shall the loan balance exceed 60 per centum of the original appraised total value of the property then remaining. No such loan shall be made for a longer term than three years; except that any such loan may be made for a term not longer than fifteen years if the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which the installment payments are sufficient to amortize the principal of the loan within a period of not more than fifteen years and at a rate of at least 6½ per centum per annum. All such loans secured by first liens upon forest tracts shall be included in the permissible aggregate of all real estate loans prescribed in the preceding paragraph, but no national banking association shall make forest-tract loans in an aggregate sum in excess of 50 per centum of its capital stock paid in and unimpaired plus 50 per centum of its unimpaired surplus fund."

Approved June 30, 1964.

Public Law 88-342

AN ACT

June 30, 1964
[H. R. 8268]

To prevent double taxation in the case of certain tobacco products exported and returned unchanged to the United States for delivery to a manufacturer's bonded factory.

Tobacco products exported and returned.
Double taxation, prevention.
77A Stat. 405, 406.
19 USC 1202.

Internal revenue tax, exemption.
68A Stat. 708.
26 USC 5704.

77A Stat. 406.
19 USC 1202.

Effective date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) headnote 2 to subpart A of part 1 of schedule 8 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, Aug. 17, 1963) is amended by striking out "and" at the end of paragraph (a), by relettering paragraph (b) as paragraph (c), and by inserting after paragraph (a) the following new paragraph:

"(b) tobacco products and cigarette papers and tubes classifiable under such item may be released from customs custody, without payment of that part of the duty attributable to the internal-revenue tax, for return to internal-revenue bond as provided by section 5704(e) of the Internal Revenue Code of 1954; and".

(b) Section 5704 of the Internal Revenue Code of 1954 (relating to exemption from tobacco tax) is amended by adding at the end thereof the following new subsection:

"(e) **TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES EXPORTED AND RETURNED.**—Tobacco products and cigarette papers and tubes classifiable under item 804.00 of title I of the Tariff Act of 1930 (relating to duty on certain articles previously exported and returned) may be released from customs custody, without payment of that part of the duty attributable to the internal revenue tax for delivery to a manufacturer of tobacco products or cigarette papers and tubes, in accordance with such regulations and under such bond as the Secretary or his delegate shall prescribe. Upon such release such products, papers, and tubes shall be subject to this chapter as if they had not been exported or otherwise removed from internal-revenue bond."

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this Act.

Approved June 30, 1964.

Public Law 88-343

AN ACT

To extend the Defense Production Act of 1950, and for other purposes.

June 30, 1964
[H. R. 10000]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 717 (a) of the Defense Production Act of 1950 is amended by striking out "June 30, 1964" in the first sentence and inserting in lieu thereof "June 30, 1966".

Defense Production Act of 1950. Extension. 67 Stat. 131; 76 Stat. 112. 50 USC app. 2166.

SEC. 2. Section 303(b) of the Defense Production Act of 1950 is amended by striking out "June 30, 1965" and inserting in lieu thereof "June 30, 1975".

70 Stat. 408. 50 USC app. 2093. New purchases, restriction. 50 USC app. 2094.

SEC. 3. Section 304(b) of the Defense Production Act of 1950 is amended by striking out the period at the end of the next to last sentence and inserting in lieu thereof a colon and the following: "*Provided*, That no new purchases or commitments to purchase under section 303 shall be made or entered into after June 30, 1964 (except purchases made pursuant to commitments entered into on or before such date), unless the President makes a finding that such new purchases or commitments are essential to the national security: *Provided further*, That the total of such new purchases and commitments, including contingent liabilities, made or incurred under section 303 after June 30, 1964, shall not exceed \$100,000,000."

65 Stat. 133.

Contingent liabilities, limitation.

Approved June 30, 1964.

Public Law 88-344

AN ACT

To amend section 14(b) of the Federal Reserve Act, as amended, to extend for two years the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury.

June 30, 1964
[H. R. 11499]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14(b) of the Federal Reserve Act, as amended (12 U.S.C. 355), is amended by striking out "July 1, 1964" and inserting in lieu thereof "July 1, 1966" and by striking out "June 30, 1964" and inserting in lieu thereof "June 30, 1966".

Federal Reserve Act, amendment. 61 Stat. 56; 76 Stat. 112.

Approved June 30, 1964.

Public Law 88-345

AN ACT

To extend the period during which responsibility for the placement and foster care of dependent children, under the program of aid to families with dependent children under title IV of the Social Security Act, may be exercised by a public agency other than the agency administering such aid under the State plan.

June 30, 1964
[H. R. 9688]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 155(b) of the Public Welfare Amendments of 1962 is amended by striking out "June 30, 1964" and inserting in lieu thereof "June 30, 1967".

76 Stat. 207. 42 USC 608 note.

Approved June 30, 1964.

Public Law 88-346

June 30, 1964
[H. R. 8673]

AN ACT

To amend title V of the Federal Aviation Act of 1958 to provide that the validity of an instrument the recording of which is provided for by such Act shall be governed by the laws of the place in which such instrument is delivered, and for other purposes.

Aircraft and re-
lated equipment.
Recordation re-
quirements.
Validity of in-
struments.
72 Stat. 771;
73 Stat. 180.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title V of the Federal Aviation Act of 1958 (49 U.S.C. 1401-1405) is amended by adding at the end thereof the following new section:

“LAW GOVERNING VALIDITY OF CERTAIN INSTRUMENTS

“SEC. 506. The validity of any instrument the recording of which is provided for by section 503 of this Act shall be governed by the laws of the State, District of Columbia, or territory or possession of the United States in which such instrument is delivered, irrespective of the location or the place of delivery of the property which is the subject of such instrument. Where the place of intended delivery of such instrument is specified therein, it shall constitute presumptive evidence that such instrument was delivered at the place so specified.”

(b) The table of contents of the Federal Aviation Act of 1958 is amended by inserting after

“Sec. 505. Dealers’ aircraft registration certificates.”

the following:

“Sec. 506. Law governing validity of certain instruments.”

Convention on
the International
Recognition of
Rights in Air-
craft.

(c) The amendments made by this section shall not take precedence over the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830).

(d) The amendments made by this section shall not be applicable with respect to any instrument delivered before the date of enactment of this Act.

Form of convey-
ances, etc.; ex-
ceptions.

SEC. 2. Section 503(e) of the Federal Aviation Act of 1958 is amended to read as follows:

“(e) Except as the Administrator may by regulation prescribe, no conveyance or other instrument shall be recorded unless it shall have been acknowledged before a notary public or other officer authorized by the law of the United States, or of a State, territory, or possession thereof, or the District of Columbia, to take acknowledgment of deeds.”

Approved June 30, 1964.

Public Law 88-347

June 30, 1964
[H. R. 10466]

AN ACT

To amend title XI of the Social Security Act to extend the period during which temporary assistance may be provided for United States citizens returned from foreign countries.

75 Stat. 142;
76 Stat. 196.
42 USC 1313.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1113(d) of the Social Security Act is amended by striking out “June 30, 1964” and inserting in lieu thereof “June 30, 1967”.

Approved June 30, 1964.

Public Law 88-348

AN ACT

To provide a one-year extension of certain excise-tax rates, and for other purposes.

June 30, 1964
[H. R. 11376]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Excise-Tax Rate Extension Act of 1964".

Excise-Tax Rate
Extension Act of
1964.

SEC. 2. ONE-YEAR EXTENSION OF CERTAIN EXCISE-TAX RATES.

(a) **EXTENSION OF RATES.**—The following provisions of the Internal Revenue Code of 1954 are amended by striking out "July 1, 1964" each place it appears and inserting in lieu thereof "July 1, 1965"—

68A Stat. 1.
26 USC 1 et
seq.

- (1) section 4061 (relating to motor vehicles);
- (2) section 4251(b) (2) (relating to termination of tax on general telephone service);
- (3) section 4261 (relating to transportation of persons by air);
- (4) section 5001(a) (1) (relating to distilled spirits);
- (5) section 5001(a) (3) (relating to imported perfumes containing distilled spirits);
- (6) section 5022 (relating to cordials and liqueurs containing wine);
- (7) section 5041(b) (relating to wines);
- (8) section 5051(a) (relating to beer); and
- (9) section 5701(c) (1) (relating to cigarettes).

77 Stat. 72.

(b) TECHNICAL AMENDMENTS.—

(1) The following provisions of the Internal Revenue Code of 1954 are amended as follows:

(A) Subsections (a) and (b) of section 5063 (relating to floor stocks refunds on distilled spirits, wines, cordials, and beer) are amended by striking out "July 1, 1964" each place it appears and inserting in lieu thereof "July 1, 1965", and by striking out "October 1, 1964" and inserting in lieu thereof "October 1, 1965".

Distilled
spirits, etc.

(B) Subsections (a) and (b) of section 5707 (relating to floor stocks refunds on cigarettes) are amended by striking out "July 1, 1964" each place it appears and inserting in lieu thereof "July 1, 1965", and by striking out "October 1, 1964" and inserting in lieu thereof "October 1, 1965".

Cigarettes.

(C) Section 6412(a) (1) (relating to floor stocks refunds on automobiles) is amended by striking out "July 1, 1964" each place it appears and inserting in lieu thereof "July 1, 1965", by striking out "October 1, 1964" and inserting in lieu thereof "October 1, 1965", and by striking out "November 10, 1964" each place it appears and inserting in lieu thereof "November 10, 1965".

Automobiles.

(2) Section 497 of the Revenue Act of 1951 (relating to refunds on articles from foreign trade zones), as amended, is amended by striking out "July 1, 1964" each place it appears and inserting in lieu thereof "July 1, 1965".

Foreign trade
zones.
26 USC 5701
note.

(3) Section 5(e) of the Tax Rate Extension Act of 1962 (relating to special credit or refund of transportation tax) is amended by striking out "July 1, 1964" each place it appears and inserting in lieu thereof "July 1, 1965".

Transportation
tax.
26 USC 4261
note.

SEC. 3. LOSSES ARISING FROM CONFISCATION OF PROPERTY BY THE GOVERNMENT OF CUBA.

(a) **TREATMENT OF LOSSES.**—Section 165(i) of the Internal Revenue Code of 1954 (relating to certain property confiscated by Cuba) is amended to read as follows:

Property losses.
Confiscation by
Cuba.
Ante, p. 128.

“(i) CERTAIN PROPERTY CONFISCATED BY THE GOVERNMENT OF CUBA.—

“(1) TREATMENT AS SUBSECTION (c) (3) LOSS.—For purposes of this chapter, in the case of an individual who was a citizen of the United States, or a resident alien, on December 31, 1958, any loss of property which—

“(A) was sustained by reason of the expropriation, intervention, seizure, or similar taking of the property, before January 1, 1964, by the government of Cuba, any political subdivision thereof, or any agency or instrumentality of the foregoing, and

“(B) was not a loss described in paragraph (1) or (2) of subsection (c), shall be treated as a loss to which paragraph (3) of subsection (c) applies. In the case of tangible property, the preceding sentence shall not apply unless the property was held by the taxpayer, and was located in Cuba, on December 31, 1958.

“(2) SPECIAL RULES.—

“(A) For purposes of subsection (a), any loss described in paragraph (1) shall be treated as having been sustained on October 14, 1960, unless it is established that the loss was sustained on some other day.

“(B) For purposes of subsection (a), the fair market value of property held by the taxpayer on December 31, 1958, to which paragraph (1) applies, on the day on which the loss of such property was sustained, shall be its fair market value on December 31, 1958.

“(C) For purposes of section 172, a loss described in paragraph (1) shall not be treated as an expropriation loss within the meaning of section 172(k).

“(D) For purposes of section 6601, the amount of any tax imposed by this title shall not be reduced by virtue of this subsection for any period prior to February 26, 1964.

“(3) REFUNDS OR CREDITS.—Notwithstanding any law or rule of law, refund or credit of any overpayment attributable to the application of paragraph (1) may be made or allowed if claim therefor is filed before January 1, 1965. No interest shall be allowed with respect to any such refund or credit for any period prior to February 26, 1964.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply in respect of losses sustained in taxable years ending after December 31, 1958.

Approved June 30, 1964, 7:55 p.m.

Public Law 88-349

AN ACT

July 2, 1964
[H. R. 6041]

To amend the prevailing wage section of the Davis-Bacon Act, as amended; and related sections of the Federal Airport Act, as amended; and the National Housing Act, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of March 3, 1931, as amended (46 Stat. 1494, as amended; 40 U.S.C. 276a), is hereby amended by designating the language of the present section as subsection (a) and by adding at the end thereof the following new subsection (b):

Federal construction contract laborers.
Fringe benefits.
49 Stat. 1011.

68A Stat. 63.
26 USC 172.

Ante, p. 48.

68A Stat. 817.
26 USC 6601.

Effective date.

"(b) As used in this Act the term 'wages', 'scale of wages', 'wage rates', 'minimum wages', and 'prevailing wages' shall include—

"(1) the basic hourly rate of pay; and

"(2) the amount of—

"(A) the rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan, or program; and

Trustee contribution.

"(B) the rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to laborers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the laborers and mechanics affected,

Benefit costs.

for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other Federal, State, or local law to provide any of such benefits:

Provided, That the obligation of a contractor or subcontractor to make payment in accordance with the prevailing wage determinations of the Secretary of Labor, insofar as this Act and other Acts incorporating this Act by reference are concerned may be discharged by the making of payments in cash, by the making of contributions of a type referred to in paragraph (2) (A), or by the assumption of an enforceable commitment to bear the costs of a plan or program of a type referred to in paragraph (2) (B), or any combination thereof, where the aggregate of any such payments, contributions, and costs is not less than the rate of pay described in paragraph (1) plus the amount referred to in paragraph (2).

Payor obligations, method of payment.

"In determining the overtime pay to which the laborer or mechanic is entitled under any Federal law, his regular or basic hourly rate of pay (or other alternative rate upon which premium rate of overtime compensation is computed) shall be deemed to be the rate computed under paragraph (1), except that where the amount of payments, contributions, or costs incurred with respect to him exceeds the prevailing wage applicable to him under this Act, such regular or basic hourly rate of pay (or such other alternative rate) shall be arrived at by deducting from the amount of payments, contributions, or costs actually incurred with respect to him, the amount of contributions or costs of the types described in paragraph (2) actually incurred with respect to him, or the amount determined under paragraph (2) but not actually paid, whichever amount is the greater."

Overtime pay computation, exclusion of benefit costs.

SEC. 2. Section 15(b) of the Federal Airport Act, as amended (60 Stat. 178, as amended; 49 U.S.C. 1114(b)), is hereby amended by inserting the words "in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5)" after the words "Secretary of Labor,".

Airport projects.
63 Stat. 481.

49 Stat. 1011.

SEC. 3. Section 212(a) of the National Housing Act, as amended (53 Stat. 208, as amended; 12 U.S.C. 1715(c)), is hereby amended by inserting the words "in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5)," after the words "Secretary of Labor,".

Housing projects.
53 Stat. 807;
73 Stat. 667.
12 USC 1715c.

Effective date.

SEC. 4. The amendments made by this Act shall take effect on the ninetieth day after the date of enactment of this Act, but shall not affect any contract in existence on such effective date or made thereafter pursuant to invitations for bids outstanding on such effective date and the rate of payments specified by section 1(b)(2) of the Act of March 3, 1931, as amended by this Act, shall, during a period of two hundred and seventy days after such effective date, become effective only in those cases and reasonable classes of cases as the Secretary of Labor, acting as rapidly as practicable to make such rates of payments fully effective, shall by rule or regulation provide.

Approved July 2, 1964.

Public Law 88-350

AN ACT

July 2, 1964
[H. R. 3348]

To amend section 316 of the Social Security Amendments of 1958 to extend the time within which teachers and other employees covered by the same retirement system in the State of Maine may be treated as being covered by separate retirement systems for purposes of the old-age, survivors, and disability insurance program.

Social security.

74 Stat. 935.

42 USC 418

note.

70 Stat. 826.

42 USC 418.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 316 of the Social Security Amendments of 1958 is amended by striking out "July 1, 1961" and inserting in lieu thereof "July 1, 1965".

SEC. 2. Section 218(p) of the Social Security Act is amended by inserting "Texas," after "Tennessee,".

Approved July 2, 1964.

Public Law 88-351

AN ACT

July 2, 1964
[H. R. 3496]

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1965.

Reorganization
Act of 1949.
Extension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 5 of the Reorganization Act of 1949 (63 Stat. 205; 5 U.S.C. 133z-3), as last amended by the Act of April 7, 1961 (75 Stat. 41), is hereby further amended by striking out "June 1, 1963" and inserting in lieu thereof "June 1, 1965".

Creation of ex-
ecutive depart-
ment, restriction.

SEC. 2. Paragraph (1) of subsection (a) of section 5 of the Reorganization Act of 1949 (63 Stat. 205; 5 U.S.C. 133z-3) is amended to read as follows:

"(1) creating any new executive department, or abolishing or transferring an executive department or all the functions thereof, or consolidating any two or more executive departments or all the functions thereof; or".

Approved July 2, 1964.

Public Law 88-352

AN ACT

July 2, 1964
[H. R. 7152]

To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Act of 1964".

Civil Rights
Act of 1964.

TITLE I—VOTING RIGHTS

SEC. 101. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and as further amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), is further amended as follows:

Operation and
enforcement.

(a) Insert "1" after "(a)" in subsection (a) and add at the end of subsection (a) the following new paragraphs:

"(2) No person acting under color of law shall—

"(A) in determining whether any individual is qualified under State law or laws to vote in any Federal election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote;

Voting quali-
fications.

"(B) deny the right of any individual to vote in any Federal election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election; or

Registration,
etc.

"(C) employ any literacy test as a qualification for voting in any Federal election unless (i) such test is administered to each individual and is conducted wholly in writing, and (ii) a certified copy of the test and of the answers given by the individual is furnished to him within twenty-five days of the submission of his request made within the period of time during which records and papers are required to be retained and preserved pursuant to title III of the Civil Rights Act of 1960 (42 U.S.C. 1974-74e; 74 Stat. 88): *Provided, however,* That the Attorney General may enter into agreements with appropriate State or local authorities that preparation, conduct, and maintenance of such tests in accordance with the provisions of applicable State or local law, including such special provisions as are necessary in the preparation, conduct, and maintenance of such tests for persons who are blind or otherwise physically handicapped, meet the purposes of this subparagraph and constitute compliance therewith.

Literacy tests.
Records.Attorney Gen-
eral.
Agreements
with State and
local authorities.

"(3) For purposes of this subsection—

"(A) the term 'vote' shall have the same meaning as in subsection (e) of this section;

"Vote"

"(B) the phrase 'literacy test' includes any test of the ability to read, write, understand, or interpret any matter."

"Literacy
test."

(b) Insert immediately following the period at the end of the first sentence of subsection (c) the following new sentence: "If in any such proceeding literacy is a relevant fact there shall be a rebuttable

presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any Federal election."

(c) Add the following subsection "(f)" and designate the present subsection "(f)" as subsection "(g)":

"Federal election."

"(f) When used in subsection (a) or (c) of this section, the words 'Federal election' shall mean any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives."

(d) Add the following subsection "(h)":

Suits by Attorney General.

"(h) In any proceeding instituted by the United States in any district court of the United States under this section in which the Attorney General requests a finding of a pattern or practice of discrimination pursuant to subsection (e) of this section the Attorney General, at the time he files the complaint, or any defendant in the proceeding, within twenty days after service upon him of the complaint, may file with the clerk of such court a request that a court of three judges be convened to hear and determine the entire case. A copy of the request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

Appeals.

Designation of judges.

"In any proceeding brought under subsection (c) of this section to enforce subsection (b) of this section, or in the event neither the Attorney General nor any defendant files a request for a three-judge court in any proceeding authorized by this subsection, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or, in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

"It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited."

TITLE II—INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

SEC. 201. (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

(b) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

(1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;

(3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and

(4) any establishment (A) (i) which is physically located within the premises of any establishment otherwise covered by this subsection, or (ii) within the premises of which is physically located any such covered establishment, and (B) which holds itself out as serving patrons of such covered establishment.

(c) The operations of an establishment affect commerce within the meaning of this title if (1) it is one of the establishments described in paragraph (1) of subsection (b); (2) in the case of an establishment described in paragraph (2) of subsection (b), it serves or offers to serve interstate travelers or a substantial portion of the food which it serves, or gasoline or other products which it sells, has moved in commerce; (3) in the case of an establishment described in paragraph (3) of subsection (b), it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which move in commerce; and (4) in the case of an establishment described in paragraph (4) of subsection (b), it is physically located within the premises of, or there is physically located within its premises, an establishment the operations of which affect commerce within the meaning of this subsection. For purposes of this section, "commerce" means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country.

(d) Discrimination or segregation by an establishment is supported by State action within the meaning of this title if such discrimination or segregation (1) is carried on under color of any law, statute, ordinance, or regulation; or (2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or (3) is required by action of the State or political subdivision thereof.

(e) The provisions of this title shall not apply to a private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available

Equal access.

Establishments
affecting inter-
state commerce.

Lodgings.

Restaurants, etc.

Theaters, sta-
diums, etc.
Other covered
establishments.

Operations af-
fecting commerce
criteria.

"Commerce."

Support by State
action.

Private estab-
lishments.

to the customers or patrons of an establishment within the scope of subsection (b).

Entitlement.

SEC. 202. All persons shall be entitled to be free, at any establishment or place, from discrimination or segregation of any kind on the ground of race, color, religion, or national origin, if such discrimination or segregation is or purports to be required by any law, statute, ordinance, regulation, rule, or order of a State or any agency or political subdivision thereof.

Interference.

SEC. 203. No person shall (a) withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive, any person of any right or privilege secured by section 201 or 202, or (b) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by section 201 or 202, or (c) punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by section 201 or 202.

Restraining orders, etc.

SEC. 204. (a) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 203, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person aggrieved and, upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the civil action without the payment of fees, costs, or security.

Attorneys' fees.

(b) In any action commenced pursuant to this title, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs, and the United States shall be liable for costs the same as a private person.

Notification of State.

(c) In the case of an alleged act or practice prohibited by this title which occurs in a State, or political subdivision of a State, which has a State or local law prohibiting such act or practice and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no civil action may be brought under subsection (a) before the expiration of thirty days after written notice of such alleged act or practice has been given to the appropriate State or local authority by registered mail or in person, provided that the court may stay proceedings in such civil action pending the termination of State or local enforcement proceedings.

Community Relations Service.

(d) In the case of an alleged act or practice prohibited by this title which occurs in a State, or political subdivision of a State, which has no State or local law prohibiting such act or practice, a civil action may be brought under subsection (a): *Provided*, That the court may refer the matter to the Community Relations Service established by title X of this Act for as long as the court believes there is a reasonable possibility of obtaining voluntary compliance, but for not more than sixty days: *Provided further*, That upon expiration of such sixty-day period, the court may extend such period for an additional period, not to exceed a cumulative total of one hundred and twenty days, if it believes there then exists a reasonable possibility of securing voluntary compliance.

Hearings and investigations.

SEC. 205. The Service is authorized to make a full investigation of any complaint referred to it by the court under section 204(d) and may hold such hearings with respect thereto as may be necessary.

The Service shall conduct any hearings with respect to any such complaint in executive session, and shall not release any testimony given therein except by agreement of all parties involved in the complaint with the permission of the court, and the Service shall endeavor to bring about a voluntary settlement between the parties.

SEC. 206. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this title, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint (1) signed by him (or in his absence the Acting Attorney General), (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described.

Suits by Attorney General.

(b) In any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

Designation of judges.

Appeals.

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

SEC. 207. (a) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title and shall exercise the same without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

District courts, jurisdiction.

Enforcement.

(b) The remedies provided in this title shall be the exclusive means of enforcing the rights based on this title, but nothing in this title shall preclude any individual or any State or local agency from asserting any right based on any other Federal or State law not inconsistent with this title, including any statute or ordinance requiring nondiscrimination in public establishments or accommodations, or from pursuing any remedy, civil or criminal, which may be available for the vindication or enforcement of such right.

TITLE III—DESEGREGATION OF PUBLIC FACILITIES

Suits by Attorney General.

SEC. 301. (a) Whenever the Attorney General receives a complaint in writing signed by an individual to the effect that he is being deprived of or threatened with the loss of his right to the equal protection of the laws, on account of his race, color, religion, or national origin, by being denied equal utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof, other than a public school or public college as defined in section 401 of title IV hereof, and the Attorney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly progress of desegregation in public facilities, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.

(b) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the personal safety, employment, or economic standing of such person or persons, their families, or their property.

Costs, fees.

SEC. 302. In any action or proceeding under this title the United States shall be liable for costs, including a reasonable attorney's fee, the same as a private person.

SEC. 303. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in any facility covered by this title.

62 Stat. 749.

SEC. 304. A complaint as used in this title is a writing or document within the meaning of section 1001, title 18, United States Code.

TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

DEFINITIONS

SEC. 401. As used in this title—

"Commissioner,"

(a) "Commissioner" means the Commissioner of Education.

"Desegregation."

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

(c) "Public school" means any elementary or secondary educational institution, and "public college" means any institution of higher education or any technical or vocational school above the secondary school level, provided that such public school or public college is operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source. "Public school."

(d) "School board" means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system. "School board."

SURVEY AND REPORT OF EDUCATIONAL OPPORTUNITIES

SEC. 402. The Commissioner shall conduct a survey and make a report to the President and the Congress, within two years of the enactment of this title, concerning the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational institutions at all levels in the United States, its territories and possessions, and the District of Columbia. Report to the President and Congress.

TECHNICAL ASSISTANCE

SEC. 403. The Commissioner is authorized, upon the application of any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools, to render technical assistance to such applicant in the preparation, adoption, and implementation of plans for the desegregation of public schools. Such technical assistance may, among other activities, include making available to such agencies information regarding effective methods of coping with special educational problems occasioned by desegregation, and making available to such agencies personnel of the Office of Education or other persons specially equipped to advise and assist them in coping with such problems.

TRAINING INSTITUTES

SEC. 404. The Commissioner is authorized to arrange, through grants or contracts, with institutions of higher education for the operation of short-term or regular session institutes for special training designed to improve the ability of teachers, supervisors, counselors, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation. Individuals who attend such an institute on a full-time basis may be paid stipends for the period of their attendance at such institute in amounts specified by the Commissioner in regulations, including allowances for travel to attend such institute. Stipends, etc.

GRANTS

SEC. 405. (a) The Commissioner is authorized, upon application of a school board, to make grants to such board to pay, in whole or in part, the cost of—

(1) giving to teachers and other school personnel inservice training in dealing with problems incident to desegregation, and

(2) employing specialists to advise in problems incident to desegregation.

(b) In determining whether to make a grant, and in fixing the amount thereof and the terms and conditions on which it will be made, the Commissioner shall take into consideration the amount available Conditions.

for grants under this section and the other applications which are pending before him; the financial condition of the applicant and the other resources available to it; the nature, extent, and gravity of its problems incident to desegregation; and such other factors as he finds relevant.

PAYMENTS

SEC. 406. Payments pursuant to a grant or contract under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine.

SUITS BY THE ATTORNEY GENERAL

SEC. 407. (a) Whenever the Attorney General receives a complaint in writing—

(1) signed by a parent or group of parents to the effect that his or their minor children, as members of a class of persons similarly situated, are being deprived by a school board of the equal protection of the laws, or

(2) signed by an individual, or his parent, to the effect that he has been denied admission to or not permitted to continue in attendance at a public college by reason of race, color, religion, or national origin,

and the Attorney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly achievement of desegregation in public education, the Attorney General is authorized, after giving notice of such complaint to the appropriate school board or college authority and after certifying that he is satisfied that such board or authority has had a reasonable time to adjust the conditions alleged in such complaint, to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.

Persons unable
to initiate suits.

(b) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the personal safety, employment, or economic standing of such person or persons, their families, or their property.

(c) The term "parent" as used in this section includes any person standing in loco parentis. A "complaint" as used in this section is a writing or document within the meaning of section 1001, title 18, United States Code.

"Parent."

"Complaint."

SEC. 408. In any action or proceeding under this title the United States shall be liable for costs the same as a private person.

SEC. 409. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in public education.

SEC. 410. Nothing in this title shall prohibit classification and assignment for reasons other than race, color, religion, or national origin.

TITLE V—COMMISSION ON CIVIL RIGHTS

SEC. 501. Section 102 of the Civil Rights Act of 1957 (42 U.S.C. 1975a; 71 Stat. 634) is amended to read as follows:

“RULES OF PROCEDURE OF THE COMMISSION HEARINGS

“SEC. 102. (a) At least thirty days prior to the commencement of any hearing, the Commission shall cause to be published in the Federal Register notice of the date on which such hearing is to commence, the place at which it is to be held and the subject of the hearing. The Chairman, or one designated by him to act as Chairman at a hearing of the Commission, shall announce in an opening statement the subject of the hearing.

Publication in
Federal Register.

“(b) A copy of the Commission's rules shall be made available to any witness before the Commission, and a witness compelled to appear before the Commission or required to produce written or other matter shall be served with a copy of the Commission's rules at the time of service of the subpoena.

“(c) Any person compelled to appear in person before the Commission shall be accorded the right to be accompanied and advised by counsel, who shall have the right to subject his client to reasonable examination, and to make objections on the record and to argue briefly the basis for such objections. The Commission shall proceed with reasonable dispatch to conclude any hearing in which it is engaged. Due regard shall be had for the convenience and necessity of witnesses.

Right of counsel.

“(d) The Chairman or Acting Chairman may punish breaches of order and decorum by censure and exclusion from the hearings.

“(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony or summary of such evidence or testimony in executive session. The Commission shall afford any person defamed, degraded, or incriminated by such evidence or testimony an opportunity to appear and be heard in executive session, with a reasonable number of additional witnesses requested by him, before deciding to use such evidence or testimony. In the event the Commission determines to release or use such evidence or testimony in such manner as to reveal publicly the identity of the person defamed, degraded, or incriminated, such evidence or testimony, prior to such public release or use, shall be given at a public session, and the Commission shall afford such person an opportunity to appear as a voluntary witness or to file a sworn statement in his behalf and to submit brief and pertinent sworn statements of others. The Commission shall receive and dispose of requests from such person to subpoena additional witnesses.

Executive ses-
sions.

“(f) Except as provided in sections 102 and 105(f) of this Act, the Chairman shall receive and the Commission shall dispose of requests to subpoena additional witnesses.

“(g) No evidence or testimony or summary of evidence or testimony taken in executive session may be released or used in public

Testimony, re-
lease restrictions.

sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission such evidence or testimony taken in executive session shall be fined not more than \$1,000, or imprisoned for not more than one year.

“(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission shall determine the pertinency of testimony and evidence adduced at its hearings.

Transcript
copies.

“(i) Every person who submits data or evidence shall be entitled to retain or, on payment of lawfully prescribed costs, procure a copy or transcript thereof, except that a witness in a hearing held in executive session may for good cause be limited to inspection of the official transcript of his testimony. Transcript copies of public sessions may be obtained by the public upon the payment of the cost thereof. An accurate transcript shall be made of the testimony of all witnesses at all hearings, either public or executive sessions, of the Commission or of any subcommittee thereof.

Witness fees.

“(j) A witness attending any session of the Commission shall receive \$6 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 10 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of \$10 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpoena issued on behalf of the Commission or any subcommittee thereof.

Subpoena of
witnesses.

“(k) The Commission shall not issue any subpoena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpoenaed at a hearing to be held outside of the State wherein the witness is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process except that, in any event, the Commission may issue subpoenas for the attendance and testimony of witnesses and the production of written or other matter at a hearing held within fifty miles of the place where the witness is found or resides or is domiciled or transacts business or has appointed an agent for receipt of service of process.

Organization
statement, etc.
Publication in
Federal Register.

“(l) The Commission shall separately state and currently publish in the Federal Register (1) descriptions of its central and field organization including the established places at which, and methods whereby, the public may secure information or make requests; (2) statements of the general course and method by which its functions are channeled and determined, and (3) rules adopted as authorized by law. No person shall in any manner be subject to or required to resort to rules, organization, or procedure not so published.”

SEC. 502. Section 103(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975b(a); 71 Stat. 634) is amended to read as follows:

Payments to
members.

“SEC. 103. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of \$75 per day for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2; 60 Stat. 808).”

SEC. 503. Section 103(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975b(b); 71 Stat. 634) is amended to read as follows:

"(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with the provisions of the Travel Expenses Act of 1949, as amended (5 U.S.C. 835-42; 63 Stat. 166)."

75 Stat. 339,
340.

SEC. 504. (a) Section 104(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(a); 71 Stat. 635), as amended, is further amended to read as follows:

"DUTIES OF THE COMMISSION

"SEC. 104. (a) The Commission shall—

"(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

"(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion or national origin or in the administration of justice;

"(3) appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion or national origin or in the administration of justice;

"(4) serve as a national clearinghouse for information in respect to denials of equal protection of the laws because of race, color, religion or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice;

"(5) investigate allegations, made in writing and under oath or affirmation, that citizens of the United States are unlawfully being accorded or denied the right to vote, or to have their votes properly counted, in any election of presidential electors, Members of the United States Senate, or of the House of Representatives, as a result of any patterns or practice of fraud or discrimination in the conduct of such election; and

"(6) Nothing in this or any other Act shall be construed as authorizing the Commission, its Advisory Committees, or any person under its supervision or control to inquire into or investigate any membership practices or internal operations of any fraternal organization, any college or university fraternity or sorority, any private club or any religious organization."

(b) Section 104(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(b); 71 Stat. 635), as amended, is further amended by striking out the present subsection "(b)" and by substituting therefor:

77 Stat. 271.

"(b) The Commission shall submit interim reports to the President and to the Congress at such times as the Commission, the Congress or the President shall deem desirable, and shall submit to the President and to the Congress a final report of its activities, findings, and recommendations not later than January 31, 1968."

Reports to the
President and
Congress.

SEC. 505. Section 105(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975d(a); 71 Stat. 636) is amended by striking out in the last sentence thereof "\$50 per diem" and inserting in lieu thereof "\$75 per diem."

Powers.

SEC. 506. Section 105(f) and section 105(g) of the Civil Rights Act of 1957 (42 U.S.C. 1975d (f) and (g); 71 Stat. 636) are amended to read as follows:

“(f) The Commission, or on the authorization of the Commission any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 102 (j) and (k) of this Act, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman. The holding of hearings by the Commission, or the appointment of a subcommittee to hold hearings pursuant to this subparagraph, must be approved by a majority of the Commission, or by a majority of the members present at a meeting at which at least a quorum of four members is present.

Ante, p. 250.

“(g) In case of contumacy or refusal to obey a subpoena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce pertinent, relevant and nonprivileged evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.”

SEC. 507. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. 1975d; 71 Stat. 636), as amended by section 401 of the Civil Rights Act of 1960 (42 U.S.C. 1975d(h); 74 Stat. 89), is further amended by adding a new subsection at the end to read as follows:

“(i) The Commission shall have the power to make such rules and regulations as are necessary to carry out the purposes of this Act.”

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

SEC. 601. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Rules governing grants, loans, and contracts.

SEC. 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express find-

Approval by President.

ing on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such non-compliance has been so found, or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

Termination.

SEC. 603. Any department or agency action taken pursuant to section 602 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with section 10 of the Administrative Procedure Act, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that section.

Judicial review.

60 Stat. 243.
5 USC 1009.

SEC. 604. Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

SEC. 605. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

DEFINITIONS

SEC. 701. For the purposes of this title—

(a) The term "person" includes one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers.

"Person."

(b) The term "employer" means a person engaged in an industry affecting commerce who has twenty-five or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or a State or political subdivision thereof, (2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954: *Provided,* That during the first year after the effective date prescribed in subsection (a) of section 716, persons having fewer than one hun-

"Employer."

68A Stat. 163;
74 Stat. 534.
26 USC 501.

dred employees (and their agents) shall not be considered employers, and, during the second year after such date, persons having fewer than seventy-five employees (and their agents) shall not be considered employers, and, during the third year after such date, persons having fewer than fifty employees (and their agents) shall not be considered employers: *Provided further*, That it shall be the policy of the United States to insure equal employment opportunities for Federal employees without discrimination because of race, color, religion, sex or national origin and the President shall utilize his existing authority to effectuate this policy.

"Employment
agency."

(c) The term "employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person; but shall not include an agency of the United States, or an agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance.

"Labor organi-
zation."

(d) The term "labor organization" means a labor organization engaged in an industry affecting commerce, and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

(e) A labor organization shall be deemed to be engaged in an industry affecting commerce if (1) it maintains or operates a hiring hall or hiring office which procures employees for an employer or procures for employees opportunities to work for an employer, or (2) the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives, if the aggregate number of the members of such other labor organization) is (A) one hundred or more during the first year after the effective date prescribed in subsection (a) of section 716, (B) seventy-five or more during the second year after such date or fifty or more during the third year, or (C) twenty-five or more thereafter, and such labor organization—

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended;

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council subordinate to a national or international labor organization, which includes a labor organization engaged in an

61 Stat. 136.
29 USC 167.
44 Stat. 577;
49 Stat. 1189.
45 USC 151.

industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection.

(f) The term "employee" means an individual employed by an employer.

"Employee."

(g) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

"Commerce."

(h) The term "industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Reporting and Disclosure Act of 1959.

"Industry affecting commerce."

(i) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act.

73 Stat. 519.
29 USC 401

note.
"State."

67 Stat. 462.
43 USC 1331
note.

EXEMPTION

SEC. 702. This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, or society of its religious activities or to an educational institution with respect to the employment of individuals to perform work connected with the educational activities of such institution.

Religious organizations, etc.

DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN

SEC. 703. (a) It shall be an unlawful employment practice for an employer—

Unlawful practices.

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

Employers.

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.

Employment agency.

(c) It shall be an unlawful employment practice for a labor organization—

Labor organization.

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin;

(2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any

way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

Training programs.

(d) It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

Exceptions.

(e) Notwithstanding any other provision of this title, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and (2) it shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

(f) As used in this title, the phrase "unlawful employment practice" shall not be deemed to include any action or measure taken by an employer, labor organization, joint labor-management committee, or employment agency with respect to an individual who is a member of the Communist Party of the United States or of any other organization required to register as a Communist-action or Communist-front organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950.

64 Stat. 987.
50 USC 781
note.

(g) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to fail or refuse to hire and employ any individual for any position, for an employer to discharge any individual from any position, or for an employment agency to fail or refuse to refer any individual for employment in any position, or for a labor organization to fail or refuse to refer any individual for employment in any position, if—

(1) the occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any Executive order of the President; and

(2) such individual has not fulfilled or has ceased to fulfill that requirement.

(h) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, or national origin, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, sex or national origin. It shall not be an unlawful employment practice under this title for any employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 6(d) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(d)).

77 Stat. 56.
29 USC 206.
Indians.

(i) Nothing contained in this title shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation.

Preferential
treatment.

(j) Nothing contained in this title shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

OTHER UNLAWFUL EMPLOYMENT PRACTICES

SEC. 704. (a) It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this title, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title.

(b) It shall be an unlawful employment practice for an employer, labor organization, or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on reli-

gion, sex, or national origin when religion, sex, or national origin is a bona fide occupational qualification for employment.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Establishment.

Term of office.

Post, p. 400.
5 USC 1071
note.

Reports to the
President and
Congress.

70 Stat. 736.
5 USC 2201
note.

70 Stat. 737.
5 USC 2203.

Powers.

SEC. 705. (a) There is hereby created a Commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party, who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, beginning from the date of enactment of this title, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the civil service laws, such officers, agents, attorneys, and employees as it deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(e) The Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2201-2209), is further amended—

(1) by adding to section 105 thereof (5 U.S.C. 2204) the following clause:

“(32) Chairman, Equal Employment Opportunity Commission”; and

(2) by adding to clause (45) of section 106(a) thereof (5 U.S.C. 2205(a)) the following: “Equal Employment Opportunity Commission (4).”

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place. The Commission may establish such regional or State offices as it deems necessary to accomplish the purpose of this title.

(g) The Commission shall have power—

(1) to cooperate with and, with their consent, utilize regional, State, local, and other agencies, both public and private, and individuals;

(2) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(3) to furnish to persons subject to this title such technical assistance as they may request to further their compliance with this title or an order issued thereunder;

(4) upon the request of (i) any employer, whose employees or some of them, or (ii) any labor organization, whose members or some of them, refuse or threaten to refuse to cooperate in effectuating the provisions of this title, to assist in such effectuation by conciliation or such other remedial action as is provided by this title;

(5) to make such technical studies as are appropriate to effectuate the purposes and policies of this title and to make the results of such studies available to the public;

(6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under section 706, or for the institution of a civil action by the Attorney General under section 707, and to advise, consult, and assist the Attorney General on such matters.

(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court.

(i) The Commission shall, in any of its educational or promotional activities, cooperate with other departments and agencies in the performance of such educational and promotional activities.

(j) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of section 9 of the Act of August 2, 1939, as amended (the Hatch Act), notwithstanding any exemption contained in such section.

53 Stat. 1148;
64 Stat. 475.
5 USC 1181.

PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

SEC. 706. (a) Whenever it is charged in writing under oath by a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this title has occurred (and such charge sets forth the facts upon which it is based) that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the Commission shall furnish such employer, employment agency, or labor organization (hereinafter referred to as the "respondent") with a copy of such charge and shall make an investigation of such charge, provided that such charge shall not be made public by the Commission. If the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the Commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the Commission, who shall make public in any manner whatever any information in violation of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(b) In the case of an alleged unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no charge may be filed under subsection (a) by the person aggrieved before the expira-

Legal proceedings.

tion of sixty days after proceedings have been commenced under the State or local law, unless such proceedings have been earlier terminated, provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered mail to the appropriate State or local authority.

Time require-
ments.

(c) In the case of any charge filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State, which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days (provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law), unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

(d) A charge under subsection (a) shall be filed within ninety days after the alleged unlawful employment practice occurred, except that in the case of an unlawful employment practice with respect to which the person aggrieved has followed the procedure set out in subsection (b), such charge shall be filed by the person aggrieved within two hundred and ten days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

(e) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) (except that in either case such period may be extended to not more than sixty days upon a determination by the Commission that further efforts to secure voluntary compliance are warranted), the Commission has been unable to obtain voluntary compliance with this title, the Commission shall so notify the person aggrieved and a civil action may, within thirty days thereafter, be brought against the respondent named in the charge (1) by the person claiming to be aggrieved, or (2) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (b) or the efforts of the Commission to obtain voluntary compliance.

Courts.
Jurisdiction.

(f) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall

have jurisdiction of actions brought under this title. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the plaintiff would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought.

62 Stat. 937.
74 Stat. 912;
76A Stat. 699.

(g) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice). Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex or national origin or in violation of section 704(a).

(h) The provisions of the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (29 U.S.C. 101-115), shall not apply with respect to civil actions brought under this section.

47 Stat. 70.

(i) In any case in which an employer, employment agency, or labor organization fails to comply with an order of a court issued in a civil action brought under subsection (e), the Commission may commence proceedings to compel compliance with such order.

(j) Any civil action brought under subsection (e) and any proceedings brought under subsection (i) shall be subject to appeal as provided in sections 1291 and 1292, title 28, United States Code.

62 Stat. 929.
65 Stat. 726;
72 Stat. 348,
1770.
Costs, fees.

(k) In any action or proceeding under this title the court, in its discretion, may allow the prevailing party, other than the Commission or the United States, a reasonable attorney's fee as part of the costs, and the Commission and the United States shall be liable for costs the same as a private person.

Suits by Attorney General.

SEC. 707. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this title, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint (1) signed by him (or in his absence the Acting Attorney General), (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such relief, including an application for a permanent or temporary injunction, restraining order or other order against the

person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described.

(b) The district courts of the United States shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, and in any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

EFFECT ON STATE LAWS

SEC. 708. Nothing in this title shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful employment practice under this title.

INVESTIGATIONS, INSPECTIONS, RECORDS, STATE AGENCIES

SEC. 709. (a) In connection with any investigation of a charge filed under section 706, the Commission or its designated representative shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to unlawful employment practices covered by this title and is relevant to the charge under investigation.

(b) The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, utilize the services of such agencies and their employees and, notwithstanding

ing any other provision of law, may reimburse such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements and under which no person may bring a civil action under section 706 in any cases or class of cases so specified, or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title.

(c) Except as provided in subsection (d), every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may (1) apply to the Commission for an exemption from the application of such regulation or order, or (2) bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief.

(d) The provisions of subsection (c) shall not apply to any employer, employment agency, labor organization, or joint labor-management committee with respect to matters occurring in any State or political subdivision thereof which has a fair employment practice law during any period in which such employer, employment agency, labor organization, or joint labor-management committee is subject to such law, except that the Commission may require such notations on records which such employer, employment agency, labor organization, or joint labor-management committee keeps or is required to keep as are necessary because of differences in coverage or methods of enforcement between the State or local law and the provisions of this title. Where an employer is required by Executive Order 10925, issued March 6, 1961, or by any other Executive order prescribing fair employment practices for Government contractors and subcontractors, or by rules or regulations issued thereunder, to file reports relating to his employment practices with any Federal agency or committee, and he is substantially in compliance with such requirements, the Commission shall not require him to file additional reports pursuant to subsection (c) of this section.

Records.

Exceptions.

3 CFR, 1961
Supp., p. 86.
5 USC 631 note.

Prohibited disclosures.

(e) It shall be unlawful for any officer or employee of the Commission to make public in any manner whatever any information obtained by the Commission pursuant to its authority under this section prior to the institution of any proceeding under this title involving such information. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of this subsection shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$1,000, or imprisoned not more than one year.

INVESTIGATORY POWERS

SEC. 710. (a) For the purposes of any investigation of a charge filed under the authority contained in section 706, the Commission shall have authority to examine witnesses under oath and to require the production of documentary evidence relevant or material to the charge under investigation.

(b) If the respondent named in a charge filed under section 706 fails or refuses to comply with a demand of the Commission for permission to examine or to copy evidence in conformity with the provisions of section 709(a), or if any person required to comply with the provisions of section 709 (c) or (d) fails or refuses to do so, or if any person fails or refuses to comply with a demand by the Commission to give testimony under oath, the United States district court for the district in which such person is found, resides, or transacts business, shall, upon application of the Commission, have jurisdiction to issue to such person an order requiring him to comply with the provisions of section 709 (c) or (d) or to comply with the demand of the Commission, but the attendance of a witness may not be required outside the State where he is found, resides, or transacts business and the production of evidence may not be required outside the State where such evidence is kept.

Petitions.

(c) Within twenty days after the service upon any person charged under section 706 of a demand by the Commission for the production of documentary evidence or for permission to examine or to copy evidence in conformity with the provisions of section 709(a), such person may file in the district court of the United States for the judicial district in which he resides, is found, or transacts business, and serve upon the Commission a petition for an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this title or with the limitations generally applicable to compulsory process or upon any constitutional or other legal right or privilege of such person. No objection which is not raised by such a petition may be urged in the defense to a proceeding initiated by the Commission under subsection (b) for enforcement of such a demand unless such proceeding is commenced by the Commission prior to the expiration of the twenty-day period, or unless the court determines that the defendant could not reasonably have been aware of the availability of such ground of objection.

(d) In any proceeding brought by the Commission under subsection (b), except as provided in subsection (c) of this section, the defendant may petition the court for an order modifying or setting aside the demand of the Commission.

NOTICES TO BE POSTED

SEC. 711. (a) Every employer, employment agency, and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted a notice to be prepared or approved by the Commission setting forth excerpts from or summaries of, the pertinent provisions of this title and information pertinent to the filing of a complaint.

(b) A willful violation of this section shall be punishable by a fine of not more than \$100 for each separate offense.

VETERANS' PREFERENCE

SEC. 712. Nothing contained in this title shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference for veterans.

RULES AND REGULATIONS

SEC. 713. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable procedural regulations to carry out the provisions of this title. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

(b) In any action or proceeding based on any alleged unlawful employment practice, no person shall be subject to any liability or punishment for or on account of (1) the commission by such person of an unlawful employment practice if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the Commission, or (2) the failure of such person to publish and file any information required by any provision of this title if he pleads and proves that he failed to publish and file such information in good faith, in conformity with the instructions of the Commission issued under this title regarding the filing of such information. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that (A) after such act or omission, such interpretation or opinion is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect, or (B) after publishing or filing the description and annual reports, such publication or filing is determined by judicial authority not to be in conformity with the requirements of this title.

60 Stat. 237.
5 USC 1001
note.

FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

SEC. 714. The provisions of section 111, title 18, United States Code, shall apply to officers, agents, and employees of the Commission in the performance of their official duties.

62 Stat. 688.

SPECIAL STUDY BY SECRETARY OF LABOR

SEC. 715. The Secretary of Labor shall make a full and complete study of the factors which might tend to result in discrimination in employment because of age and of the consequences of such discrimination on the economy and individuals affected. The Secretary of Labor shall make a report to the Congress not later than June 30, 1965, containing the results of such study and shall include in such report such recommendations for legislation to prevent arbitrary discrimination in employment because of age as he determines advisable.

Report to
Congress.

EFFECTIVE DATE

SEC. 716. (a) This title shall become effective one year after the date of its enactment.

(b) Notwithstanding subsection (a), sections of this title other than sections 703, 704, 706, and 707 shall become effective immediately.

Presidential
conferences.

(c) The President shall, as soon as feasible after the enactment of this title, convene one or more conferences for the purpose of enabling the leaders of groups whose members will be affected by this title to become familiar with the rights afforded and obligations imposed by its provisions, and for the purpose of making plans which will result in the fair and effective administration of this title when all of its provisions become effective. The President shall invite the participation in such conference or conferences of (1) the members of the President's Committee on Equal Employment Opportunity, (2) the members of the Commission on Civil Rights, (3) representatives of State and local agencies engaged in furthering equal employment opportunity, (4) representatives of private agencies engaged in furthering equal employment opportunity, and (5) representatives of employers, labor organizations, and employment agencies who will be subject to this title.

Membership.

TITLE VIII—REGISTRATION AND VOTING STATISTICS

Survey.

SEC. 801. The Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. Such a survey and compilation shall, to the extent recommended by the Commission on Civil Rights, only include a count of persons of voting age by race, color, and national origin, and determination of the extent to which such persons are registered to vote, and have voted in any statewide primary or general election in which the Members of the United States House of Representatives are nominated or elected, since January 1, 1960. Such information shall also be collected and compiled in connection with the Nineteenth Decennial Census, and at such other times as the Congress may prescribe. The provisions of section 9 and chapter 7 of title 13, United States Code, shall apply to any survey, collection, or compilation of registration and voting statistics carried out under this title: *Provided, however*, That no person shall be compelled to disclose his race, color, national origin, or questioned about his political party affiliation, how he voted, or the reasons therefore, nor shall any penalty be imposed for his failure or refusal to make such disclosure. Every person interrogated orally, by written survey or questionnaire or by any other means with respect to such information shall be fully advised with respect to his right to fail or refuse to furnish such information.

68 Stat. 1013,
1022; 76 Stat. 922.
13 USC 9, 211-
241.

TITLE IX—INTERVENTION AND PROCEDURE AFTER
REMOVAL IN CIVIL RIGHTS CASES

63 Stat. 102.

SEC. 901. Title 28 of the United States Code, section 1447(d), is amended to read as follows:

"An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise."

62 Stat. 938.

SEC. 902. Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws under the fourteenth amendment to the Constitution on ac-

count of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action upon timely application if the Attorney General certifies that the case is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.

TITLE X—ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE

SEC. 1001. (a) There is hereby established in and as a part of the Department of Commerce a Community Relations Service (hereinafter referred to as the "Service"), which shall be headed by a Director who shall be appointed by the President with the advice and consent of the Senate for a term of four years. The Director is authorized to appoint, subject to the civil service laws and regulations, such other personnel as may be necessary to enable the Service to carry out its functions and duties, and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Director is further authorized to procure services as authorized by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55(a)), but at rates for individuals not in excess of \$75 per diem.

Post, p. 400.
5 USC 1071
note.

(b) Section 106(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(a)), is further amended by adding the following clause thereto:

70 Stat. 737.

"(52) Director, Community Relations Service."

SEC. 1002. It shall be the function of the Service to provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin which impair the rights of persons in such communities under the Constitution or laws of the United States or which affect or may affect interstate commerce. The Service may offer its services in cases of such disputes, disagreements, or difficulties whenever, in its judgment, peaceful relations among the citizens of the community involved are threatened thereby, and it may offer its services either upon its own motion or upon the request of an appropriate State or local official or other interested person.

Functions.

SEC. 1003. (a) The Service shall, whenever possible, in performing its functions, seek and utilize the cooperation of appropriate State or local, public, or private agencies.

(b) The activities of all officers and employees of the Service in providing conciliation assistance shall be conducted in confidence and without publicity, and the Service shall hold confidential any information acquired in the regular performance of its duties upon the understanding that it would be so held. No officer or employee of the Service shall engage in the performance of investigative or prosecuting functions of any department or agency in any litigation arising out of a dispute in which he acted on behalf of the Service. Any officer or other employee of the Service, who shall make public in any manner whatever any information in violation of this subsection, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or imprisoned not more than one year.

SEC. 1004. Subject to the provisions of sections 205 and 1003(b), the Director shall, on or before January 31 of each year, submit to the Congress a report of the activities of the Service during the preceding fiscal year.

Report to
Congress.

TITLE XI—MISCELLANEOUS

Trial by jury.

SEC. 1101. In any proceeding for criminal contempt arising under title II, III, IV, V, VI, or VII of this Act, the accused, upon demand therefor, shall be entitled to a trial by jury, which shall conform as near as may be to the practice in criminal cases. Upon conviction, the accused shall not be fined more than \$1,000 or imprisoned for more than six months.

Exceptions.

This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court. No person shall be convicted of criminal contempt hereunder unless the act or omission constituting such contempt shall have been intentional, as required in other cases of criminal contempt.

Nor shall anything herein be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

Double jeopardy.

SEC. 1102. No person should be put twice in jeopardy under the laws of the United States for the same act or omission. For this reason, an acquittal or conviction in a prosecution for a specific crime under the laws of the United States shall bar a proceeding for criminal contempt, which is based upon the same act or omission and which arises under the provisions of this Act; and an acquittal or conviction in a proceeding for criminal contempt, which arises under the provisions of this Act, shall bar a prosecution for a specific crime under the laws of the United States based upon the same act or omission.

Attorney General, etc., authority.

SEC. 1103. Nothing in this Act shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General or of the United States or any agency or officer thereof under existing law to institute or intervene in any action or proceeding.

States' authority.

SEC. 1104. Nothing contained in any title of this Act shall be construed as indicating an intent on the part of Congress to occupy the field in which any such title operates to the exclusion of State laws on the same subject matter, nor shall any provision of this Act be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this Act, or any provision thereof.

Appropriation.

SEC. 1105. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

Separability clause.

SEC. 1106. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Approved July 2, 1964.

Public Law 88-353

AN ACT

July 2, 1964
[H. R. 8459]

To amend the Federal Credit Union Act to allow Federal credit unions greater flexibility in their organization and operations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (7) of section 8 of the Federal Credit Union Act (12 U.S.C. 1757) is amended (1) by striking out "or" immediately before "(D)", and (2) by adding at the end thereof "or (E) in obligations issued by banks for cooperatives, Federal land banks, Federal intermediate credit banks, Federal home loan banks, the Federal Home Loan Bank Board, or any corporation designated in section 101 of the Government Corporation Control Act as a wholly owned Government corporation;"

Federal Credit Union Act, amendment.
73 Stat. 630.

59 Stat. 597;
75 Stat. 774.
31 USC 846.

SEC. 2. The first sentence of section 12 of the Federal Credit Union Act (12 U.S.C. 1761) is amended by striking out "supervisory committee of three members" and inserting "supervisory committee of not less than three members nor more than five members".

SEC. 3. The third sentence of section 14 of the Federal Credit Union Act (12 U.S.C. 1761b) is amended by striking out "December 31 in proportion to the interest paid by them during that year" and inserting "the last day of any dividend period in proportion to the interest paid by them during that dividend period".

SEC. 4. The last sentence of section 15 of the Federal Credit Union Act (12 U.S.C. 1761c) is amended by inserting before the period: "and, subject to such regulations as the Director may prescribe, insurance obtained under title I of the National Housing Act shall be deemed adequate security".

12 USC 1702-1706d.

SEC. 5. Section 1014 of Title 18 of the United States Code is amended by striking out "or of a Federal Reserve bank, or of a small business investment company," and inserting "a Federal Reserve bank, a small business investment company, or a Federal credit union,"

73 Stat. 387.

Approved July 2, 1964.

Public Law 88-354

JOINT RESOLUTION

July 3, 1964
[S. J. Res. 71]

To establish a National Commission on Food Marketing to study the food industry from the producer to the consumer.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a bipartisan National Commission on Food Marketing (hereinafter referred to as the "Commission").

National Commission on Food Marketing.

Organization.

SEC. 2. ORGANIZATION OF THE COMMISSION.—(a) The Commission shall be composed of fifteen members, including (1) five Members of the Senate, to be appointed by the President of the Senate; (2) five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and (3) five members to be appointed by the President from outside the Federal Government.

(b) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original position.

(c) Eight members of the Commission shall constitute a quorum.

SEC. 3. COMPENSATION OF MEMBERS.—(a) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other neces-

Compensation of members.

sary expenses incurred by them in the performance of the duties vested in the Commission.

(b) Each member of the Commission who is appointed by the President may receive compensation at the rate of \$100 for each day such member is engaged upon work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

60 Stat. 808.

Duties.

SEC. 4. DUTIES OF THE COMMISSION.—(a) The Commission shall study and appraise the marketing structure of the food industry, including the following:

(1) The actual changes, principally in the past two decades, in the various segments of the food industry;

(2) The changes likely to materialize if present trends continue;

(3) The kind of food industry that would assure efficiency of production, assembly, processing, and distribution, provide appropriate services to consumers, and yet maintain acceptable competitive alternatives of procurement and sale in all segments of the industry from producer to consumer;

(4) The changes in statutes or public policy, the organization of farming and of food assembly, processing, and distribution, and the interrelationships between segments of the food industry which would be appropriate to achieve a desired distribution of power as well as desired levels of efficiency;

(5) The effectiveness of the services, including the dissemination of market news, and regulatory activities of the Federal Government in terms of present and probable developments in the industry; and

(6) The effect of imported food on United States producers, processors and consumers.

(b) The Commission shall make such interim reports as it deems advisable, and it shall make a final report of its findings and conclusions to the President and to the Congress by July 1, 1965.

Reports to
President and
Congress.

Powers of the
Commission.

SEC. 5. POWERS OF THE COMMISSION.—(a) The Commission, or any three members thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinions pertinent to the study. In connection therewith the Commission is authorized by majority vote—

Reports.

(1) to require, by special or general orders, corporations, business firms, and individuals to submit in writing such reports and answers to questions as the Commission may prescribe; such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

Oaths.

(2) to administer oaths;

Subpenas.

(3) to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

Aid of district
court.

(4) in the case of disobedience to a subpoena or order issued under paragraph (a) of this section to invoke the aid of any district court of the United States in requiring compliance with such subpoena or order;

Testimony by
deposition.

(5) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths, and in such instances to compel testimony and the production of evidence in the same manner as authorized under subparagraph (3) and (4) above; and

Payment of
witnesses.

(6) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

Compliance
order.

(b) Any district court of the United States within the jurisdiction of which an inquiry is carried on may, in case of refusal to obey a

subpena or order of the Commission issued under paragraph (a) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) The Commission is authorized to require directly from the head of any Federal executive department or independent agency available information deemed useful in the discharge of its duties. All departments and independent agencies of the Government are hereby authorized and directed to cooperate with the Commission and to furnish all information requested by the Commission to the extent permitted by law.

Executive departments and agencies, cooperation.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conducting of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

Contract authority.

(e) When the Commission finds that publication of any information obtained by it is in the public interest and would not give an unfair competitive advantage to any person, it is authorized to publish such information in the form and manner deemed best adapted for public use, except that data and information which would separately disclose the business transactions of any person, trade secrets, or names of customers shall be held confidential and shall not be disclosed by the Commission or its staff: *Provided, however,* That the Commission shall permit business firms or individuals reasonable access to documents furnished by them for the purpose of obtaining or copying such documents as need may arise.

Publication of information.

(f) The Commission is authorized to delegate any of its functions to individual members of the Commission or to designated individuals on its staff and to make such rules and regulations as are necessary for the conduct of its business, except as herein otherwise provided.

Delegation of functions.

SEC. 6. ADMINISTRATIVE ARRANGEMENTS.—(a) The Commission is authorized, without regard to the civil service laws and regulations or the Classification Act of 1949, as amended, to appoint and fix the compensation of an executive director and the executive director, with the approval of the Commission, shall employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS-18 under the Classification Act of 1949, as amended.

Personnel and compensation provisions.
63 Stat. 954.
5 USC 1071
note.

(b) The executive director, with the approval of the Commission, is authorized to obtain services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed \$100 per diem.

Post, p. 400.
5 USC 1113.
Employment of experts or consultants.
60 Stat. 810.

(c) The head of any executive department or independent agency of the Federal Government is authorized to detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying out its work.

Detail of personnel to Commission.

(d) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services: *Provided,* That the regulations

Financial and administrative services furnished by GSA.

66 Stat. 561.

of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46c) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Commission: *Provided further*, That the Commission shall not be required to prescribe such regulations.

Termination.

(e) Ninety days after submission of its final report, as provided in section 4(b), the Commission shall cease to exist.

Appropriation.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated such sums not in excess of \$1,500,000 as may be necessary to carry out the provisions of this joint resolution. Any money appropriated pursuant hereto shall remain available to the Commission until the date of its expiration, as fixed by section 6(e).

Approved July 3, 1964.

Public Law 88-355

AN ACT

July 7, 1964
[H. R. 6920]

To amend section 715 of title 38, United States Code, to authorize, under certain conditions, the issuance of total disability income provisions for inclusion in National Service Life Insurance policies to provide coverage to age sixty-five.

Veterans.
Disability in-
come insurance
provisions.
72 Stat. 1151.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective January 1, 1965, section 715 of title 38, United States Code, is amended to read as follows:

65 Stat. 36.

"The Administrator shall, except as hereinafter provided, upon application by the insured and proof of good health satisfactory to the Administrator and payment of such extra premium as the Administrator shall prescribe, include in any National Service Life Insurance policy on the life of the insured (except a policy issued under section 620 of the National Service Life Insurance Act of 1940, or section 722 of this title) provisions whereby an insured who is shown to have become totally disabled for a period of six consecutive months or more commencing after the date of such application and before attaining the age of sixty-five and while the payment of any premium is not in default, shall be paid monthly disability benefits from the first day of the seventh consecutive month of and during the continuance of such total disability of \$10 for each \$1,000 of such insurance in effect when such benefits become payable. The total disability provision authorized under this section shall not be issued unless application therefor is made either prior to the insured's fifty-fifth birthday, or before the insured's sixtieth birthday and prior to January 1, 1966. The total disability provision authorized under this section shall not be added to a policy containing the total disability coverage heretofore issued under section 602(v) of the National Service Life Insurance Act of 1940, or the provisions of this section as in effect before January 1, 1965, except upon surrender of such total disability coverage, proof of good health, if required, satisfactory to the Administrator, and payment of such extra premium as the Administrator shall determine is required in such cases. Participating policies containing additional provisions for the payment of disability benefits may be separately classified for the purpose of dividend distribution from otherwise similar policies not containing such benefits."

60 Stat. 786.

Approved July 7, 1964.

Public Law 88-356

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes:

July 7, 1964
[H. R. 10433]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes, namely:

Department of
the Interior and
Related Agencies
Appropriation Act,
1965.

TITLE I—DEPARTMENT OF THE INTERIOR PUBLIC LAND MANAGEMENT

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, \$45,372,000.

CONSTRUCTION

For acquisition and construction of buildings, appurtenant facilities, and other improvements, \$1,100,000, to remain available until expended.

PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, \$2,000,000, to remain available until expended.

72 Stat. 906;
76 Stat. 1147.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of rights-of-way and of existing connecting roads on or adjacent to such lands; an amount equivalent to 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands, to remain available until expended: *Provided*, That the amount appropriated herein for the purposes of this appropriation on lands administered by the Forest Service shall be transferred to the Forest Service, Department of Agriculture: *Provided further*, That the amount appropriated herein for road construction on lands other than those administered by the Forest Service shall be transferred to the Bureau of Public Roads, Department of Commerce: *Provided further*, That the amount appropriated herein is hereby made a reimbursable charge against the Oregon and California land-grant fund and shall be reimbursed to the general fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For construction, purchase, and maintenance of range improvements pursuant to the provisions of sections 3 and 10 of the Act of June 28, 1934, as amended (43 U.S.C. 315), sums equal to the aggregate of all moneys received, during the current fiscal year, as range improvements fees under section 3 of said Act, 25 per centum of all moneys received, during the current fiscal year, under section 15 of said Act, and the amount designated for range improvements from grazing fees from Bankhead-Jones lands transferred to the Department of the Interior by Executive Order 10787, dated November 6, 1958, to remain available until expended.

48 Stat. 1270.
43 USC 315b,
315i.

43 USC 315m.

3 CFR 1954-
1958 Comp.
p. 424.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase of seven passenger motor vehicles for replacement only; purchase of one aircraft; purchase, erection, and dismantlement of temporary structures; and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title: *Provided*, That of appropriations herein made for the Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land-grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further*, That appropriations herein made may be expended on a reimbursable basis for (1) surveys of lands other than those under the jurisdiction of the Bureau of Land Management and (2) protection and leasing of lands and mineral resources for the State of Alaska.

43 USC 1181f.

BUREAU OF INDIAN AFFAIRS

EDUCATION AND WELFARE SERVICES

For expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment (in advance or from date of admission), of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order, and payment of rewards for information or evidence concerning violations of law on Indian reservations or lands; and operation of Indian arts and crafts shops and museums; \$95,868,500.

RESOURCES MANAGEMENT

For expenses necessary for management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; and development of Indian arts and crafts, as authorized by law; \$40,390,000.

REVOLVING FUND FOR LOANS

For payment to the revolving fund for loans, for loans as authorized by Public Law 88-168, approved November 4, 1963, \$900,000, to be immediately available.

77 Stat. 301.
25 USC 70n-1
to 70n-7.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities; acquisition of lands and interests in lands; preparation of lands for farming; and architectural and engineering services by contract; \$52,009,000, to remain available until expended: *Provided*, That no part of the sum herein appropriated shall be used for the acquisition of land within the States of Arizona, California, Colorado, New Mexico, South Dakota, Utah, and Wyoming outside of the boundaries of existing Indian reservations: *Provided further*, That no part of this appropriation shall be used for the acquisition of land or water rights within the States of Nevada, Oregon, and Washington either inside or outside the boundaries of existing reservations: *Provided further*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation.

ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, \$17,000,000, to remain available until expended.

72 Stat. 906;
76 Stat. 1147.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, \$4,331,000.

MENOMINEE EDUCATIONAL GRANTS

For grants to the State of Wisconsin or the County or Town of Menominee for school district costs, as authorized by the Act of April 4, 1962 (76 Stat. 53), \$88,000.

TRIBAL FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated \$3,000,000 from tribal funds not otherwise available for expenditure for the benefit of Indians and Indian tribes, including pay and travel expenses of employees; care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land and improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel, and other expenses of tribal officers, councils, and committees thereof, or other tribal organizations, including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government; relief of Indians, without regard to section 7 of the Act of May 27, 1930 (46 Stat. 391), including cash

Restriction.

grants; and employment of a curator for the Osage Museum, who shall be appointed with the approval of the Osage Tribal Council and without regard to the classification laws: *Provided*, That in addition to the amount appropriated herein, tribal funds may be advanced to Indian tribes during the current fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary: *Provided further*, That funds derived from appropriations in satisfaction of awards of the Indian Claims Commission and the Court of Claims shall not be available for advances, except for such amounts as may be necessary to pay attorney fees, expenses of litigation, and expenses of program planning, until after legislation has been enacted that sets forth the purposes for which said funds will be used: *Provided, however*, That no part of this appropriation or other tribal funds shall be used for the acquisition of land or water rights within the States of Nevada, Oregon, Washington, and Wyoming, either inside or outside the boundaries of existing Indian reservations, if such acquisition results in the property being exempted from local taxation, except as provided for by the Act of July 24, 1956 (70 Stat. 627).

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans) shall be available for expenses of exhibits; purchase of not to exceed two hundred and twenty passenger motor vehicles (including seventy-five for police-type use which may exceed by \$300 each the general purchase price limitation for the current fiscal year), of which one hundred and seventy-five shall be for replacement only, which may be used for the transportation of Indians; advance payments for service (including services which may extend beyond the current fiscal year) under contracts executed pursuant to the Act of June 4, 1936 (25 U.S.C. 452), the Act of August 3, 1956 (70 Stat. 986), and legislation terminating Federal supervision over certain Indian tribes; and expenses required by continuing or permanent treaty provisions.

49 Stat. 1458.
25 USC 309,
309a.

NATIONAL PARK SERVICE

MANAGEMENT AND PROTECTION

For expenses necessary for the management and protection of the areas and facilities administered by the National Park Service, including protection of lands in process of condemnation; and for plans, investigations, and studies of the recreational resources (exclusive of preparation of detail plans and working drawings) and archeological values in river basins of the United States (except the Missouri River Basin); \$29,075,000, including not to exceed \$680,000 for travel and transportation of persons.

MAINTENANCE AND REHABILITATION OF PHYSICAL FACILITIES

For expenses necessary for the operation, maintenance, and rehabilitation of roads (including furnishing special road maintenance service to trucking permittees on a reimbursable basis), trails, buildings, utilities, and other physical facilities essential to the operation of areas administered pursuant to law by the National Park Service, \$23,100,000, including not to exceed \$200,000 for travel and transportation of persons.

CONSTRUCTION

For construction and improvement, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of buildings, utilities, and other physical facilities; the repair or replacement of roads, trails, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, or storm, or the construction of projects deferred by reason of the use of funds for such purposes; and the acquisition of water rights; \$27,373,600, including not to exceed \$335,000 for travel and transportation of persons, to remain available until expended: *Provided*, That no part of this appropriation shall be used for the condemnation of any land for Grand Teton National Park in the State of Wyoming.

37 Stat. 460;
54 Stat. 36.

CONSTRUCTION

For an additional amount for "Construction", for acquisition of lands, interests therein, improvements, and related personal property, \$4,700,000, to be immediately available: *Provided*, That the limitation under this head on the amount available is increased to \$12,300,000.

CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, \$29,000,000, including not to exceed \$500,000 for travel and transportation of persons, to remain available until expended: *Provided*, That none of the funds herein provided shall be expended for planning or construction on the following: Fort Washington and Greenbelt Park, Maryland, and Great Falls Park, Virginia, except minor roads and trails; and Daingerfield Island Marina, Virginia; and extension of the George Washington Memorial Parkway from vicinity of Brickyard Road to Great Falls, Maryland, or in Prince Georges County, Maryland.

72 Stat. 906;
76 Stat. 1147.
Restriction.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the National Park Service, including such expenses in the regional offices, \$2,325,000, including not to exceed \$115,000 for travel and transportation of persons.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed one hundred and four passenger motor vehicles of which ninety-four shall be for replacement only, including not to exceed fifty for police-type use which may exceed by \$300 each the general purchase price limitation for the current fiscal year.

BUREAU OF OUTDOOR RECREATION

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Outdoor Recreation, \$2,700,000.

OFFICE OF TERRITORIES

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of Territories and for the departmental administration of the Trust Territory of the Pacific Islands, under the jurisdiction of the Department of the Interior, including expenses of the offices of the Governors of Guam and American Samoa, as authorized by law (48 U.S.C., secs. 1422, 1431a(c)); salaries of the Governor of the Virgin Islands, the Government Secretary, the Government Comptroller, and the members of the immediate staffs as authorized by law (48 U.S.C. 1591, 72 Stat. 1095); compensation and mileage of members of the legislatures in Guam, American Samoa, and the Virgin Islands as authorized by law (48 U.S.C. secs. 1421d(e), 1431a(c), and 1572e); compensation and expenses of the judiciary in American Samoa as authorized by law (48 U.S.C. 1431a(c)); grants to American Samoa, in addition to current local revenues, for support of governmental functions; loans and grants to Guam, as authorized by law (Public Law 88-170); and personal services, household equipment and furnishings, and utilities necessary in the operation of the houses of the Governors of Guam and American Samoa; \$15,300,000, to remain available until expended: *Provided*, That the Territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of Territories may be expended for the purchase, charter, maintenance, and operation of aircraft and surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary.

Purchases
through GSA.

ADMINISTRATION OF TERRITORIES

For an additional amount for "Administration of Territories", for loans and grants as authorized by Public Law 88-170, approved November 4, 1963, \$10,000,000, to be immediately available.

77 Stat. 302.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (76 Stat. 171), including the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands in addition to local revenues, for support of governmental functions; \$17,500,000, to remain available until expended: *Provided*, That the revolving fund for loans to locally owned private trading enterprises shall continue to be available during the fiscal year 1965: *Provided further*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of the Trust Territory of the Pacific

61 Stat. 3301.
48 USC 1681
and notes.

GAO audit.

31 USC 1.
31 USC 65
note.

Islands may be expended for the purchase, charter, maintenance, and operation of aircraft and surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary in carrying out the provisions of article 6(2) of the Trusteeship Agreement approved by Congress: *Provided further*, That notwithstanding the provisions of any law, the Trust Territory of the Pacific Islands is authorized to receive, during the current fiscal year, from the Department of Agriculture for distribution on the same basis as domestic distribution in any State, Territory, or possession of the United States, without exchange of funds, such surplus food commodities as may be available pursuant to section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c) and section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431).

61 Stat. 3302.
Surplus food
commodities,
availability.

49 Stat. 774.
68 Stat. 458.

ALASKA RAILROAD

ALASKA RAILROAD REVOLVING FUND

The Alaska Railroad Revolving Fund shall continue available until expended for the work authorized by law, including operation and maintenance of oceangoing or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for transportation of freight, passengers, or mail, when deemed necessary for the benefit and development of industries or travel in the area served; and payment of compensation and expenses as authorized by section 42 of the Act of September 7, 1916 (5 U.S.C. 793), to be reimbursed as therein provided: *Provided*, That no employee shall be paid an annual salary out of said fund in excess of the salaries prescribed by the Classification Act of 1949, as amended, for grade GS-15, except the general manager of said railroad, one assistant general manager at not to exceed the salaries prescribed by said Act for GS-17, and five officers at not to exceed the salaries prescribed by said Act for grade GS-16.

39 Stat. 750.

Post, p. 400.
5 USC 1113.

VIRGIN ISLANDS CORPORATION

LIMITATION ON ADMINISTRATIVE EXPENSES

During the current fiscal year the Virgin Islands Corporation is hereby authorized to make such expenditures, within the limits of funds available to it and in accord with law, and to make such contracts and commitments without regard to fiscal-year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its programs as set forth in the budget for the current fiscal year: *Provided*, That not to exceed \$156,000 shall be available for administrative expenses (to be computed on an accrual basis) of the Corporation, covering the categories set forth in the 1965 budget estimates for such expenses.

61 Stat. 584.
31 USC 849.

MINERAL RESOURCES

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (72 Stat. 837 and 76 Stat. 427); classify lands as to mineral character and water

5 USC 485 note.
43 USC 31.

49 Stat. 30.

Water resources
investigations,
restriction on
funds.

and power resources; give engineering supervision to power permits and Federal Power Commission licenses; enforce departmental regulations applicable to oil, gas, and other mining leases, permits, licenses, and operating contracts; control the interstate shipment of contraband oil as required by law (15 U.S.C. 715); and publish and disseminate data relative to the foregoing activities; \$67,165,000, of which \$10,900,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed fifty passenger motor vehicles, for replacement only; reimbursement of the General Services Administration for security guard service for protection of confidential files; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gaging stations and observation wells; expenses of U.S. National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts.

BUREAU OF MINES

CONSERVATION AND DEVELOPMENT OF MINERAL RESOURCES

For expenses necessary for promoting the conservation, exploration, development, production, and utilization of mineral resources, including fuels, in the United States, its Territories, and possessions; and developing synthetics and substitutes; \$30,100,000, including not to exceed \$700,000 for travel and transportation of persons.

HEALTH AND SAFETY

For expenses necessary for promotion of health and safety in mines and in the minerals industries, and controlling fires in coal deposits, as authorized by law, \$9,300,000.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Mines, including such expenses in the field administrative offices, \$1,410,000, including not to exceed \$54,000 for travel and transportation of persons.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Bureau of Mines may be expended for purchase of not to exceed seventy-five passenger motor vehicles for replacement only; providing transportation services in isolated areas for employees, student dependents of employees, and other pupils, and such activities may be financed under cooperative arrangements; purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work: *Provided*, That the Secretary is authorized to accept lands, buildings, equipment, and

BUREAU OF COMMERCIAL FISHERIES

MANAGEMENT AND INVESTIGATIONS OF RESOURCES

For expenses necessary for scientific and economic studies, conservation, management, investigation, protection, and utilization of commercial fishery resources, including whales, sea lions, and related aquatic plants and products; collection, compilation, and publication of information concerning such resources; promotion of education and training of fishery personnel; and the performance of other functions related thereto, as authorized by law; \$18,819,900, and in addition, \$2,125,000 to be derived from the Pribilof Islands fund: *Provided*, That \$400,000 of this appropriation shall be available pursuant to the provisions of section 4(b) of the Commercial Fisheries Research and Development Act of 1964.

Ante, p. 197.

MANAGEMENT AND INVESTIGATIONS OF RESOURCES
(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses of the Bureau of Commercial Fisheries, as authorized by law, \$300,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such agency, for payments in the foregoing currencies.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required for the conservation, management, investigation, protection, and utilization of commercial fishery resources and the acquisition of lands and interests therein, \$4,788,000, to remain available until expended.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Commercial Fisheries, including such expenses in the regional offices, \$667,000.

ADMINISTRATION OF PRIBILOF ISLANDS

58 Stat. 100.

For carrying out the provisions of the Act of February 26, 1944, as amended (16 U.S.C. 631a-631q), there are appropriated amounts not to exceed \$2,442,000, to be derived from the Pribilof Islands fund.

LIMITATION ON ADMINISTRATIVE EXPENSES, FISHERIES LOAN FUND

During the current fiscal year not to exceed \$277,000 of the Fisheries loan fund shall be available for administrative expenses.

BUREAU OF SPORT FISHERIES AND WILDLIFE

MANAGEMENT AND INVESTIGATIONS OF RESOURCES

For expenses necessary for scientific and economic studies, conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; operation of the industrial properties within the Crab Orchard National Wildlife Refuge (61 Stat. 770); and maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; \$33,810,000.

other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

HELIUM FUND

The Secretary is authorized to borrow from the Treasury for payment to the helium production fund pursuant to section 12(a) of the Helium Act Amendments of 1960 to carry out the provisions of the Act and contractual obligations thereunder, including helium purchases, to remain available without fiscal year limitation, \$14,000,000, in addition to amounts heretofore authorized to be borrowed.

74 Stat. 923.
50 USC 167j.

OFFICE OF COAL RESEARCH

SALARIES AND EXPENSES

For necessary expenses to encourage and stimulate the production and conservation of coal in the United States through research and development, as authorized by law (74 Stat. 337), \$6,836,000, to remain available until expended, of which not to exceed \$336,000 shall be available for administration and supervision.

30 USC 661-
668.

OFFICE OF MINERALS EXPLORATION

SALARIES AND EXPENSES

For expenses necessary to provide a program for the discovery of the minerals reserves of the United States, its territories and possessions, by encouraging exploration for minerals, including administration of contracts entered into prior to June 30, 1958, under section 303 of the Defense Production Act of 1950, as amended, \$850,000, including not to exceed \$234,000 for administrative and technical services, to remain available until expended.

65 Stat. 133.
50 USC app.
2093.

OFFICE OF OIL AND GAS

SALARIES AND EXPENSES

For necessary expenses to enable the Secretary to discharge his responsibilities with respect to oil and gas, including cooperation with the petroleum industry and State authorities in the production, processing, and utilization of petroleum and its products, and natural gas, \$660,000.

FISH AND WILDLIFE SERVICE

OFFICE OF THE COMMISSIONER OF FISH AND WILDLIFE

SALARIES AND EXPENSES

For necessary expenses of the Office of the Commissioner, \$425,000.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein, \$7,016,200.

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the Migratory bird conservation account, as authorized by the Act of October 4, 1961 (16 U.S.C. 715k-3, 5), \$8,000,000, to remain available until expended.

75 Stat. 813.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Sport Fisheries and Wildlife, including such expenses in the regional offices, \$1,384,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Fish and Wildlife Service shall be available for purchase of not to exceed one hundred and twenty-nine passenger motor vehicles of which one hundred and twenty-four shall be for replacement only (including sixty-eight for police-type use which may exceed by \$300 each the general purchase price limitation for the current fiscal year); purchase of not to exceed six aircraft, for replacement only; not to exceed \$50,000 for payment, in the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Fish and Wildlife Service; publication and distribution of bulletins as authorized by law (7 U.S.C. 417); rations or commutation of rations for officers and crews of vessels at rates not to exceed \$3 per man per day; repair of damage to public roads within and adjacent to reservation areas caused by operations of the Fish and Wildlife Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are not inconsistent with their primary purposes; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources.

34 Stat. 690.

OFFICE OF SALINE WATER

SALARIES AND EXPENSES

For expenses necessary to carry out provisions of the Act of July 3, 1952, as amended (42 U.S.C. 1951-1958), authorizing studies of the conversion of saline water for beneficial consumptive uses, to remain available until expended, \$10,000,000, of which not to exceed \$703,000 shall be available for administration and coordination during the current fiscal year.

75 Stat. 628.

CONSTRUCTION, OPERATION, AND MAINTENANCE

For construction, operation, and maintenance of demonstration plants for the production of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses, as authorized by the Act of September 2, 1958, as amended (42 U.S.C. 1958a-1958g), \$2,250,000, of which not to exceed \$230,000 shall be available for administration.

72 Stat. 1706.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$4,223,000, and in addition, not to exceed \$142,000 may be reimbursed or transferred to this appropriation from other accounts available to the Department of the Interior: *Provided*, That hearing officers appointed for Indian probate work need not be appointed pursuant to the Administrative Procedures Act (60 Stat. 237), as amended.

5 USC 1001
note.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, including teletype rentals and service, and not to exceed \$2,000 for official reception and representation expenses, \$4,110,500.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Emergency re-
construction.

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Forest or range
fires.

SEC. 102. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof.

Operation of
warehouses, etc.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

47 Stat. 417.

Experts or con-
sultants, employ-
ment.

60 Stat. 810.

SEC. 104. Appropriations made to the Department of the Interior in this title or in the Public Works Appropriations Act, 1965 shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), when authorized by the Secretary, at rates not to exceed \$75 per diem for individuals, and in total amount not to exceed \$175,000; maintenance and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in

societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 2131 and D.C. Code 4-204).

Uniforms or allowances.

68 Stat. 1114;
43 Stat. 175.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For expenses necessary for forest protection and utilization, as follows:

Forest land management: For necessary expenses of the Forest Service, not otherwise provided for, including the administration, improvement, development, and management of lands under Forest Service administration, fighting and preventing forest fires on or threatening such lands and for liquidation of obligations incurred in the preceding fiscal year for such purposes, control of white pine blister rust and other forest diseases and insects on Federal and non-Federal lands; \$149,944,000, of which \$5,000,000 for fighting and preventing forest fires and \$1,910,000 for insect and disease control shall be apportioned for use, pursuant to section 3679 of the Revised Statutes, as amended, to the extent necessary under the then existing conditions: *Provided*, That not more than \$680,000 may be used for acquisition of land under the Act of March 1, 1911, as amended (16 U.S.C. 513-519): *Provided further*, That funds appropriated for "Cooperative range improvements", pursuant to section 12 of the Act of April 24, 1950 (16 U.S.C. 580h), may be advanced to this appropriation.

31 USC 665.

36 Stat. 962.

64 Stat. 85.

Forest research: For forest research at forest and range experiment stations, the Forest Products Laboratory, or elsewhere, as authorized by law; \$31,685,000.

State and private forestry cooperation: For cooperation with States in forest-fire prevention and suppression, in forest tree planting on non-Federal public and private lands, and in forest management and processing, and for advising timberland owners, associations, wood-using industries, and others in the application of forest management principles and processing of forest products, as authorized by law; \$16,955,000.

FOREST ROADS AND TRAILS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For expenses necessary for carrying out the provisions of title 23, United States Code, sections 203 and 205, relating to the construction and maintenance of forest development roads and trails, \$70,300,000, to remain available until expended, for liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203: *Provided*, That funds available under the Act of March 4, 1913 (16 U.S.C. 501), shall be merged with and made a part of this appropriation: *Provided further*, That not less than the amount made available under the provisions of the Act of March 4, 1913, shall be expended under the provisions of such Act.

72 Stat. 906,
907.

37 Stat. 843.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

ACQUISITION OF LANDS FOR WASATCH NATIONAL FOREST

For the acquisition of land in the Wasatch National Forest, Utah, in accordance with the Act of September 14, 1962 (76 Stat. 545-546), \$150,000, to remain available until expended.

SPECIAL ACTS

58 Stat. 227. For acquisition of land to facilitate the control of soil erosion and flood damage originating within the exterior boundaries of the following national forests, in accordance with the provisions of the following Acts, authorizing annual appropriations of forest receipts for such purposes, and in not to exceed the following amounts from such receipts, Cache National Forest, Utah, Act of May 11, 1938 (52 Stat. 347), as amended, \$10,000; Uinta and Wasatch National Forests, Utah, Act of August 26, 1935 (49 Stat. 866), as amended, \$20,000; Toiyabe National Forest, Nevada, Act of June 25, 1938 (52 Stat. 1205), as amended, \$8,000; Angeles National Forest, California, Act of June 11, 1940 (54 Stat. 299), \$8,000; Cleveland National Forest in San Diego County, California, Act of June 11, 1940 (54 Stat. 297-298), \$8,000; San Bernardino and Cleveland National Forests in Riverside County, California, Act of June 15, 1938 (52 Stat. 699), \$8,000; Sequoia National Forest, California, Act of June 17, 1940 (54 Stat. 402), \$8,000; in all, \$70,000: *Provided*, That no part of this appropriation shall be used for acquisition of any land which is not within the boundaries of the national forests and/or for the acquisition of any land without the approval of the local government concerned.

Restriction.

COOPERATIVE RANGE IMPROVEMENTS

64 Stat. 85. For artificial revegetation, construction, and maintenance of range improvements, control of rodents, and eradication of poisonous and noxious plants on national forests in accordance with section 12 of the Act of April 24, 1950 (16 U.S.C. 580h), to be derived from grazing fees as authorized by said section, \$700,000, to remain available until expended.

ASSISTANCE TO STATES FOR TREE PLANTING

70 Stat. 207. For expenses necessary to carry out section 401 of the Agricultural Act of 1956, approved May 28, 1956 (16 U.S.C. 568e), \$1,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Passenger motor vehicles, etc., funds available.

Appropriations available to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed one hundred and twenty-nine passenger motor vehicles of which one hundred and fourteen shall be for replacement only, and hire of such vehicles; operation and maintenance of aircraft and the purchase of not to exceed six for replacement only; (b) employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), in an amount not to exceed \$25,000; (c) uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); (d) purchase, erection, and alteration of buildings and other public improvements (5 U.S.C. 565a); (e) expenses of the National Forest Reservation Commission as authorized by section 14 of the Act of March 1, 1911 (16 U.S.C. 514); and (f) acquisition of

58 Stat. 742.
60 Stat. 810.
68 Stat. 1114.
58 Stat. 742.
36 Stat. 963.

land and interests therein for sites for administrative purposes, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a).

70 Stat. 1034.

Except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated to the Forest Service shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States.

Funds appropriated under this Act shall not be used for acquisition of forest lands under the provisions of the Act approved March 1, 1911, as amended (16 U.S.C. 513-519, 521), where such land is not within the boundaries of an established national forest or purchase unit nor shall these lands be acquired without approval of the local government concerned.

36 Stat. 962.

FEDERAL COAL MINE SAFETY BOARD OF REVIEW

SALARIES AND EXPENSES

For necessary expenses of the Federal Coal Mine Safety Board of Review, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), \$67,500.

60 Stat. 810.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), including payment of actual traveling expenses of the members and secretary of the Commission in attending meetings and Committee meetings of the Commission either within or outside the District of Columbia, to be disbursed on vouchers approved by the Commission, \$120,000.

36 Stat. 371.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PUBLIC HEALTH SERVICE

INDIAN HEALTH ACTIVITIES

For expenses necessary to enable the Surgeon General to carry out the purposes of the Act of August 5, 1954 (68 Stat. 674), as amended; purchase of not to exceed thirty-three passenger motor vehicles for replacement only; hire of passenger motor vehicles and aircraft; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the purposes set forth in section 301 (with respect to research conducted at facilities financed by this appropriation), 321, 322(d), 324, and 509 of the Public Health Service Act; \$61,620,000.

42 USC 2001 et seq.

58 Stat. 691.
42 USC 241, 248,
249, 251, 227.

CONSTRUCTION OF INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites; purchase and erection of portable buildings; purchase of trailers; and provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a); \$8,335,000, to remain available until expended.

73 Stat. 267.

ADMINISTRATIVE PROVISIONS, PUBLIC HEALTH SERVICE

60 Stat. 810.

Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

68 Stat. 1114.

Attendance at meetings.

Appropriations contained in this Act available for salaries and expenses shall be available for uniforms or allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131).

Appropriations contained in this Act available for salaries and expenses shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

INDIAN CLAIMS COMMISSION

SALARIES AND EXPENSES

60 Stat. 1049.

For expenses necessary to carry out the purposes of the Act of August 13, 1946 (25 U.S.C. 70), creating an Indian Claims Commission, \$310,000, of which not to exceed \$10,000 shall be available for expenses of travel.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

66 Stat. 781.

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and uniforms or allowances therefor, as authorized by law (5 U.S.C. 2131); \$665,000.

LAND ACQUISITION, NATIONAL CAPITAL PARK, PARKWAY, AND
PLAYGROUND SYSTEM

40 USC 72.

For necessary expenses for the National Capital Planning Commission for acquisition of land within the District of Columbia for the park, parkway, and playground system of the National Capital, as authorized by section 2 of the Act of June 6, 1924 (43 Stat. 463), \$550,000, to be immediately available: *Provided*, That of such amount \$50,000 shall be available only for the purpose of making relocation payments comparable to those provided for in title I of the Housing Act of 1949, as amended (42 U.S.C. 1450-1464).

LAND ACQUISITION, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Ante, p. 4.

For necessary expenses for the National Capital Planning Commission for acquisition of land for the site of the John F. Kennedy Center for the Performing Arts, as authorized by the John F. Kennedy Center Act (72 Stat. 1698), as amended, \$2,175,000, to be immediately available: *Provided*, That of such amount \$175,000 shall be available only for the purpose of making relocation payments comparable to those provided for in title I of the Housing Act of 1949, as amended (42 U.S.C. 1450-1464).

SMITHSONIAN INSTITUTION

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses, not otherwise provided, necessary to enable the Board of Trustees of the John F. Kennedy Center for the Performing Arts to carry out the purposes of the Act of September 2, 1958 (72 Stat. 1698), as amended, including construction, such amounts which in the aggregate will equal gifts, bequests, and devises of money, securities, and other property, received by the Board for the benefit of the John F. Kennedy Center for the Performing Arts prior to July 1, 1965, and available or used for expenditures directly incident to the planning, contracting, and construction of the Center: *Provided*, That the total amount appropriated by this paragraph shall not exceed \$15,500,000.

Ante, p. 4.

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, including research; preservation, exhibition, and increase of collections from Government and other sources; international exchanges; anthropological researches; maintenance of the Astrophysical Observatory and making necessary observations in high altitudes; administration of the National Collection of Fine Arts and the National Portrait Gallery; including not to exceed \$35,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); purchase, repair, and cleaning of uniforms for guards and elevator operators, and uniforms or allowances therefor, as authorized by law (5 U.S.C. 2131), for other employees; repairs and alterations of buildings and approaches; and preparation of manuscripts, drawings, and illustrations for publications; \$15,000,000.

60 Stat. 810.

68 Stat. 1114.

REMODELING OF CIVIL SERVICE COMMISSION BUILDING

For an additional amount for necessary expenses of preparing plans and specifications for remodeling the Civil Service Commission Building to make it suitable to house certain art galleries of the Smithsonian Institution, as authorized by the Act of March 28, 1958 (72 Stat. 68), including construction and not to exceed \$25,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), \$1,000,000.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, \$1,525,000, to remain available until expended: *Provided*, That such portion of this amount as may be necessary may be transferred to the District of Columbia (20 U.S.C. 81-84; 75 Stat. 779).

26 Stat. 78;
28 Stat. 384;
37 Stat. 437.

NATIONAL AIR MUSEUM

For necessary expenses of preparing plans and specifications for the construction of a suitable building for a National Air Museum for the use of the Smithsonian Institution, as authorized by the Act of September 6, 1958 (20 U.S.C. 77b note), and not to exceed \$60,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), \$1,364,000.

72 Stat. 1794.

SALARIES AND EXPENSES, NATIONAL GALLERY OF ART

20 USC 71-75.
53 Stat. 577.
60 Stat. 810.

68 Stat. 1114.

For the upkeep and operation of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards and elevator operators and uniforms, or allowances therefor for other employees as authorized by law (5 U.S.C. 2131); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance and repair of buildings, approaches, and grounds; and not to exceed \$15,000 for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper; \$2,147,000.

CIVIL WAR CENTENNIAL COMMISSION

36 USC 741-749. For expenses necessary to carry out the provisions of the Act of September 7, 1957 (71 Stat. 626), as amended (72 Stat. 1769), \$100,000.

NATIONAL CAPITAL TRANSPORTATION AGENCY

SALARIES AND EXPENSES

40 USC 661-665. For expenses necessary to carry out the provisions of title II of the Act of July 14, 1960 (74 Stat. 537), including payment in advance for membership in societies whose publications or services are available to members only or to members at a price lower than to the general public; hire of passenger motor vehicles; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 2131); \$500,000 to be derived by transfer from the appropriation for "Land acquisition and construction".

CORREGIDOR-BATAAN MEMORIAL COMMISSION

SALARIES AND EXPENSES

69 Stat. 589;
71 Stat. 457;
77 Stat. 477. For expenses necessary to carry out the provisions of the Act of August 5, 1953 (67 Stat. 366), as amended, \$25,000, to be immediately available.

VETERANS' ADMINISTRATION

CONSTRUCTION, CORREGIDOR-BATAAN MEMORIAL

For planning a memorial on Corregidor Island, as authorized by the Act of August 5, 1953, as amended (36 U.S.C. 426), \$100,000, to be immediately available.

ALASKA TEMPORARY CLAIMS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of section 46 of the Alaska Omnibus Act (73 Stat. 152-153), including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), \$33,000.

48 USC prec. 21
note.

60 Stat. 810.

COMMISSION ON THE STATUS OF PUERTO RICO

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of Public Law 88-271, approved February 20, 1964, \$250,000, to remain available until June 30, 1966.

78 Stat. 17.

GENERAL PROVISIONS, RELATED AGENCIES

The per diem rate paid from appropriations made available under this title for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a) or other law, shall not exceed \$75.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriation Act, 1965."

Short title.

Approved July 7, 1964.

Public Law 88-357

AN ACT

To authorize the President to declare July 9, 1964, as Monocacy Battle Centennial in commemoration of the one hundredth anniversary of the Battle of the Monocacy.

July 7, 1964
[H. R. 9094]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation which shall designate July 9, 1964, as "Monocacy Battle Centennial", in commemoration of the one hundredth anniversary of the Battle of the Monocacy, and which shall call upon the people of the United States to observe such day with appropriate ceremonies and activities.

Monocacy Battle
Centennial.
Designation.

SEC. 2. In commemoration of the men who lost their lives on the battlefield of the Monocacy in the struggle for control of the city of Washington and the National Capital, the President is authorized and requested to call upon the officials of the Government to display the American flag on Government buildings in the District of Columbia at half staff until noon and at full staff after noon on July 9, 1964. The President is further authorized and requested to call upon the people of the District of Columbia to fly the flag in a like manner on that date at their homes, churches, and other suitable places.

Flag display.

SEC. 3. The United States Civil War Centennial Commission is authorized to cooperate with the Maryland Civil War Centennial Commission and with Frederick County Civil War Centennial, Inc., in observance of the Monocacy Battle Centennial.

SEC. 4. This Act shall not be deemed to authorize the appropriation of any public funds.

Approved July 7, 1964.

Public Law 88-358

AN ACT

July 7, 1964
[H. R. 8462]

To authorize the conveyance of certain real property of the United States heretofore granted to the city of Grand Prairie, Texas, for public airport purposes, contingent upon approval by the Administrator of the Federal Aviation Agency, and to provide for the conveyance to the United States of certain real property now used by such city for public airport purposes.

Grand Prairie,
Tex.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of section 2 of this Act, the city of Grand Prairie, Texas, shall be authorized to convey to the highest bidder all right, title, and interest of such city in and to certain real property transferred to such city for public airport purposes by the United States. Such real property consists of a tract of land containing 127.99 acres, more or less, comprising a portion of the 195.82-acre tract situated in the county of Dallas, State of Texas, described in the deed dated May 22, 1962, entered into between the United States as grantor, acting by and through the Secretary of the Army, and the city of Grand Prairie, Texas, as grantee, and more particularly described as follows:

Being a tract or parcel of land lying and situated in Grand Prairie, Dallas County, Texas, and a part of the McKinney and Williams survey, abstract numbered 1045 and the Elizabeth Gray survey, abstract numbered 517.

Beginning at a point on the east right-of-way line of Carrier Parkway (formerly Southwest Eighth Street) where it intersects the south boundary line of the McKinney and Williams survey, abstract numbered 1045, said point being the northwest corner of lot 17, block 9, of the Indian Hills Park addition to the city of Grand Prairie:

thence south 0 degree 33 minutes 30 seconds west along the east right-of-way line of Carrier Parkway a distance of 2,683.0 feet to the southeast corner of Grand Prairie Airport;

thence north 89 degrees 34 minutes 30 seconds west a distance of 1,509.8 feet along the south boundary line to a point, said point being 200 feet easterly of and perpendicular to the extended centerline of the north-south runway;

thence north 1 degree 19 minutes 30 seconds west and parallel to said centerline a distance of 2,670.35 feet to a five-eighth-inch pipe, said point being 200 feet easterly of and perpendicular to said centerline;

thence north 0 degree 52 minutes west, 1,050 feet to a one-half-inch rod, said point being the easternmost southeast corner of a 42.39-acre tract presently owned by the United States of America and licensed to the Texas National Guard;

thence north 8 degrees 20 minutes 30 seconds west a distance of 691.70 feet to a point on the south right-of-way line of Jefferson Avenue;

thence north 81 degrees 39 minutes 30 seconds east along the south right-of-way line of Jefferson Avenue a distance of 249.06 feet to the northwest corner of land known as General Services Administration land acquisition;

thence south 8 degrees 20 minutes 30 seconds east a distance of 330 feet to a point for General Services Administration land's southwest corner;

thence south 44 degrees 41 minutes 30 seconds east following General Services Administration land's southerly boundary line a distance of 2,016.45 feet to the place of beginning and containing 127.99 acres of land, more or less,

together with the rights appurtenant to the above-described land, under and by virtue of the restrictive condition contained in deed

without warranty dated January 12, 1961, recorded in volume 5490, page 26, Deed Records of Dallas County, Texas, whereby the United States of America conveyed 31.97 acres of adjacent land, more or less, to Jerome K. Dealey, Dallas, Texas, said restrictive condition in said deed without warranty from the United States of America to the said Jerome K. Dealey providing that the construction of buildings or improvements on the land therein and thereby conveyed shall be restricted in height so that there will be no obstructions above the plane of an approach zone with a glide angle of 20:1 where the zero elevation beginning point for the glide angle is fixed by starting at a 1¼-inch iron pipe, being the northwest corner of the Indian Hills Park addition (abstract 517) to the city of Grand Prairie, Texas, as shown in volume 17, page 365 of the Plat Records of Dallas County, Texas, and the northwest corner of lot 17, block 9 of said Indian Hills Park addition; thence, north 40 degrees 3 minutes west 905 feet, more or less, to the intersection of such line with the center line of an existing asphalt runway; said approach zone plan to be 250 feet wide, extending 125 feet on either side of point of beginning and 410 feet wide at 20:1 slant distance of 1,600 feet along the runway center line extending from the point of beginning.

(b) Subject to the provisions of section 2 of this Act, the city of Grand Prairie, Texas, shall convey to the United States, acting by and through the Secretary of the Army, all right, title, and interest of such city in and to certain real property transferred to such city for public airport purposes by the United States. Such real property consists of a tract of land containing 67.83 acres, more or less, comprising a portion of the 195.82-acre tract situated in the county of Dallas, State of Texas, the exact legal description of which property is contained in the deed dated May 22, 1962, entered into between the United States as grantor, acting by and through the Secretary of the Army, and the city of Grand Prairie, Texas, as grantee, and more particularly described as follows:

Being a tract of land situated in the county of Dallas, State of Texas, and being part of the McKinney and Williams survey (A-1045) and part of the Elizabeth Gray survey (A-517), and being more particularly described as follows:

Beginning at a 1¼-inch pipe at the intersection of the south boundary line of said Elizabeth Gray survey with the east right-of-way line of Southwest Fourteenth Street (formerly locally called Twelfth Street Road), said pipe being located south 89 degrees 26 minutes east, 20 feet from the southwest corner of said Elizabeth Gray survey;

thence along the boundary line of a 195.82-acre tract of land conveyed by the United States of America to the city of Grand Prairie by deed without warranty dated May 22, 1962, and re-recorded in volume 5810 at page 206 of the Deed Records of Dallas County, Texas, as follows: along the east right-of-way line of Southwest Fourteenth Street, north 00 degrees 22 minutes 30 seconds east, 1,154.45 feet to a five-eighths-inch pipe, said point being the southernmost corner of a 42.39-acre tract presently owned by the United States of America and licensed to the Texas National Guard;

thence along the boundary line of said 42.39-acre tract as follows: north 29 degrees 32 minutes 30 seconds east, 981.15 feet to a one-half-inch rod, said point being perpendicular to and 400 feet west of the centerline of a north-south runway;

thence north 01 degrees 19 minutes 30 seconds west, along a line parallel to and 400 feet west of said centerline, 1,476.75 feet to a

one-half-inch rod on the south boundary line of the most western ramp;

thence north 81 degrees 59 minutes 30 seconds east, 614.10 feet to a one-half-inch rod, said point being the easternmost south-east corner of said 42.39-acre tract, and a reentrant corner of aforesaid 195.82-acre tract;

thence departing from the boundary line of said 195.82-acre tract and said 42.39-acre tract, severing said 195.82-acre tract, south 00 degrees 52 minutes east, 1,050 feet to a five-eighth-inch pipe, said point being 200 feet easterly of and perpendicular to the centerline of said runway;

thence 200 feet easterly of and parallel to said centerline and its southerly extension, south 01 degrees 19 minutes 30 seconds east, 2,670.35 feet to a railroad spike set in a south boundary line of said 195.82-acre tract, same being the south boundary line of the Elizabeth Gray survey;

thence along the boundary line of said 195.82-acre tract as follows: along the south boundary line of said Elizabeth Gray survey, north 89 degrees 34 minutes 30 seconds west, 47.5 feet to a point in the east boundary line of the William C. May survey (A-890);

thence along the common line between said May and Gray surveys as follows: north 00 degrees 02 minutes west, 138.4 feet to a three-fourths-inch rod for the northeast corner of said May survey and a reentrant corner of said Gray survey;

thence north 89 degrees 26 minutes west, 1,091 feet to the point of beginning, containing 67.83 acres, more or less.

(c) Subject to the provisions of section 2 of this Act, the city of Grand Prairie, Texas, shall convey to the United States such avigation, clearing, and restrictive easements over the 127.99 acres described in section 1(a) of this Act, as the Secretary of the Army, after consultation with the Administrator of the Federal Aviation Agency, shall determine necessary to provide adequate lateral and transitional zone clearance for the operation and utilization of the airstrip (runway) located within the 67.83 acres of land described in section 1(b) of this Act.

SEC. 2. (a) The sale referred to in subsection (a) of the first section of this Act shall be authorized in writing by the Administrator of the Federal Aviation Agency, only after—

1. a site for a new airport has been selected and the Administrator, Federal Aviation Agency, has determined that such site is capable of being developed and used as an airport adequate to meet the needs of Grand Prairie;

2. a plan for construction of airport facilities at the new site has been submitted to and approved by the Administrator, Federal Aviation Agency;

3. the city of Grand Prairie has, through advertising and sealed bids, provided assurances that construction of airport facilities can be accomplished in accordance with the plan submitted to and approved by the Administrator, Federal Aviation Agency; and

4. The city of Grand Prairie has, after advertising, received sealed bids on the 127.99 acres to be sold and determines that the bid to be accepted is in an amount equal to or greater than the combined costs of acquiring land for a new airport site and constructing the airport facilities thereon in accordance with plans submitted to and approved by the Administrator, Federal Aviation Agency.

(b) Airport facilities constructed with the proceeds of the sale authorized in section 1(a) shall be only those kinds of facilities which

are eligible for construction with Federal funds under the Federal Airport Act. Any proceeds of the sale of the 127.99 acres in excess of the amount needed for acquisition and construction at the new site shall be paid to the Administrator of the Federal Aviation Agency. The Administrator is authorized to receive such excess proceeds and to use such proceeds for the purposes of the discretionary fund established under section 6(b) of the Federal Airport Act.

60 Stat. 170.
49 USC 1101
note.

(c) The real property acquired by the city of Grand Prairie, Texas, with the proceeds of the sale authorized pursuant to subsection (a) of the first section of this Act shall be subject to such terms, exceptions, reservations, conditions, and covenants as the Administrator of the Federal Aviation Agency, after consultation with the Secretary of the Army, may deem appropriate to assure that such property will be held and used by such city for public airport purposes; and also subject to the condition that the United States and its assigns, agents, permittees, and licensees (including but not limited to the Texas National Guard) shall have the right of joint use, without charge of any kind, with the city of Grand Prairie of the landing areas, runways, and taxiways for landings and takeoffs of aircraft, together with the right of ingress and egress to said landing areas, runways, and taxiways.

69 Stat. 442.
49 USC 1105.

(d) Subject to the approval of the Administrator of the Federal Aviation Agency with respect to the coordination of the sale authorized by him under the foregoing provisions of this section with the conveyance required by this subsection, the city of Grand Prairie, Texas, shall convey, without monetary consideration therefor, to the United States, acting by and through the Secretary of the Army, that tract of land containing 67.83 acres, more or less, situated in the county of Dallas, State of Texas, the exact legal description of which is set forth in subsection (b) of the first section of this Act; together with all such avigation, clearing and restrictive easements described in section 1(c) of this Act.

(e) The enactment of this Act shall in no manner serve to waive or diminish the existing obligations of the city of Grand Prairie, Texas, to operate and maintain these lands as a public airport until such time as a final determination thereon is made by the Administrator of the Federal Aviation Agency: *Provided further*, That the city shall continue to provide, without cost to the Department of the Army, for the repair, maintenance, and operation of the existing Grand Prairie Airport and related facilities until such time as the same is reconveyed to the United States, and/or the civilian use of this airfield is transferred to the proposed new city airport.

SEC. 3. The provisions relating to the reversion to the United States of legal title to certain real property in the event it is not used for airport purposes contained in the deed dated May 22, 1962, entered into between the United States as grantor, acting by and through the Secretary of the Army, and the city of Grand Prairie, Texas, as grantee are hereby declared to be null and void from and after the date of the disposal of said property in compliance with the provisions of this Act, to the extent such provisions apply to the 127.99 acres, more or less, described in subsection (a) of the first section of this Act.

Secretary of the
Army.
Approval.

SEC. 4. The Administrator of the Federal Aviation Agency shall issue and obtain such written instruments as may be necessary to carry out the foregoing provisions of this Act. However, prior approval of the Secretary of the Army shall be obtained as to those instruments of direct concern to the Department of the Army, and the Secretary of the Army is hereby authorized and directed to accept, on behalf of the United States, all instruments of conveyance of such real property and real property interests as are conveyed to the United States pursuant to the foregoing provisions of this Act, and to accept custody and control of such property.

Approved July 7, 1964.

Public Law 88-359

AN ACT

July 7, 1964
[H. R. 3941]

To amend section 902 of title 38, United States Code, to eliminate the offset against burial allowances paid by the Veterans' Administration for amounts paid by burial associations.

Veterans.
Burial allow-
ances.
72 Stat. 1169.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of subsection (b) of section 902 of title 38, United States Code, is amended by inserting "or" after "or of a State," and by striking out "or a burial association".

(b) Such subsection (b) is further amended by revising the second sentence to read as follows: "No claim shall be allowed (1) for more than the difference between the entire amount of the expenses incurred and the amount paid by any or all of the foregoing, or (2) when the burial allowance would revert to the funds of a public or private organization or would discharge such an organization's obligation without payment."

(c) Such subsection (b) is further amended by striking out the third sentence.

Approved July 7, 1964.

Public Law 88-360

AN ACT

July 7, 1964
[H. R. 2664]

To amend section 6(o) of the Universal Military Training and Service Act to provide an exemption from induction for the sole surviving son of a family whose father died as a result of military service.

Armed Forces.
Induction ex-
emption.
62 Stat. 613.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6(o) of the Universal Military Training and Service Act (50 App. U.S.C. 456(o)) is amended to read as follows:

"(o) Except during the period of a war or a national emergency declared by the Congress after the date of the enactment of the 1964 amendment to this subsection, where the father or one or more sons or daughters of a family were killed in action or died in line of duty while serving in the Armed Forces of the United States, or subsequently died as a result of injuries received or disease incurred during such service, the sole surviving son of such family shall not be inducted for service under the terms of this title unless he volunteers for induction."

Approved July 7, 1964.

Public Law 88-361

AN ACT

July 7, 1964
[H. R. 221]

To amend chapter 35 of title 38, United States Code, to provide educational assistance to the children of veterans who are permanently and totally disabled from an injury or disease arising out of active military, naval, or air service during a period of war or the induction period.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1701(a) (1) of title 38, United States Code, is amended by inserting the following new sentence after the first sentence thereof: "Such term also includes the child of a person who has a total disability permanent in nature resulting from a service-connected disability arising out of service as described in the first sentence hereof, or who died while a disability so evaluated was in existence."

Veterans' children.
Educational assistance.
72 Stat. 1193.

(b) Section 1701(a) of title 38, United States Code, is amended by adding at the end thereof the following:

"(10) The term 'total disability permanent in nature' means any disability rated total for the purposes of disability compensation which is based upon an impairment reasonably certain to continue throughout the life of the disabled person."

(c) Section 1701(d) of title 38, United States Code, is amended by striking out the word "death" both places it appears and inserting in lieu thereof "disability or death".

SEC. 2. Section 1711 of title 38, United States Code, is amended by adding a new subsection (d) as follows:

"(d) If any child pursuing a program of education, or of specialized restorative training, under this chapter ceases to be an 'eligible person' because the parent from whom eligibility is derived is found to no longer have a 'total disability permanent in nature', as defined in section 1701(a) (10) of this title, then such child (if he has sufficient remaining entitlement) may, nevertheless, be afforded educational assistance under this chapter until the end of a quarter or semester for which enrolled if the educational institution in which he is enrolled is operated on a quarter or semester system, or if the educational institution is not so operated until the end of the course, or until nine weeks have expired, whichever first occurs."

Loss of eligibility.

SEC. 3. (a) Section 1712(a) (3) of title 38, United States Code, is amended to read as follows:

76 Stat. 926.

"(3) if the Administrator first finds that the parent from whom eligibility is derived has a service-connected total disability permanent in nature, or if the death of the parent from whom eligibility is derived occurs, after the eligible person's eighteenth birthday but before his twenty-third birthday, then (unless paragraph (4) applies) such period shall end five years after, whichever date first occurs (A) the date on which the Administrator first finds that the parent from whom eligibility is derived has a service-connected total disability permanent in nature, or (B) the date of death of the parent from whom eligibility is derived;"

Children between ages of 18 to 23.

(b) Section 1712 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(d) Notwithstanding the provisions of subsection (a) of this section, an eligible person may be afforded educational assistance beyond the age limitation applicable to him under such subsection by a period of time equivalent to any period of time which elapses between the eighteenth birthday of such eligible person or the date on which an application for benefits of this chapter is filed on behalf of such eligible person, whichever is later, and the date of final approval

Assistance beyond age limitation.

of such application by the Administrator; but in no event shall educational assistance under this chapter be afforded an eligible person beyond his thirty-first birthday by reason of this subsection."

Nonduplication
of benefits.
72 Stat. 1201.

SEC. 4. Section 1762(a) of title 38, United States Code, is amended by adding the following clause before the period at the end thereof: "whether eligibility is based upon the death or upon the total permanent disability of the parent".

Eligibility
proviso.

SEC. 5. In the case of any individual who is an "eligible person" within the meaning of section 1701(a)(1) of title 38, United States Code, solely by virtue of the amendments made by this Act, and who is above the age of seventeen years and below the age of twenty-three years on the date of enactment of this Act, the period referred to in section 1712 of title 38, United States Code, shall not end with respect to such individual until the expiration of the five-year period which begins on the date of enactment of this Act, excluding from such five-year period any period of time which may elapse between the date on which application for benefits of chapter 35, United States Code, is filed on behalf of an eligible person and the date of final approval of such application by the Administrator of Veterans' Affairs; but in no event shall educational assistance under chapter 35, title 38, United States Code, be afforded to any eligible person beyond his thirty-first birthday by reason of this section.

38 USC 1701-
1778.

72 Stat. 1200.

Special restora-
tive training.

SEC. 6. Section 1741(b) of title 38, United States Code, is amended to read as follows:

"(b) The total period of educational assistance under this subchapter and other subchapters of this chapter may not exceed the amount of entitlement as established in section 1711 of this title, except that the Administrator may extend such period in the case of any person if he finds that additional assistance is necessary to accomplish the purpose of special restorative training as stated in subsection (a) of this section."

72 Stat. 1183.

State coopera-
tion.

SEC. 7. Section 1643 of title 38, United States Code, is amended by adding at the end thereof the following:

"(c) In order that effective State control may be maintained over educational institutions participating in educational programs carried on under this title, the Administrator shall continue to utilize State approving agencies in the administration of such programs."

Approved July 7, 1964.

Public Law 88-362

AN ACT

July 7, 1964
[H. R. 9311]

To continue for two years the existing suspensions of duty on certain alumina and bauxite.

Alumina and
bauxite, duty.

77A Stat. 432,
433.
19 USC 1202.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) items 907.15, 909.30, and 911.05 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, pages 432 and 433, Aug. 17, 1963) are each amended by striking out "On or before 7/15/64" and inserting in lieu thereof "On or before 7/15/66".

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1964.

Approved July 7, 1964.

Public Law 88-363

AN ACT

To establish the Roosevelt Campobello International Park, and for other purposes.

July 7, 1964
[H. R. 9740]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Roosevelt Campobello International Park Act".

SEC. 2. For the purposes of this Act:

(a) The term "Commission" means the Roosevelt Campobello International Park Commission.

(b) The term "United States members" means members of the Commission appointed by the President. The term "Canadian members" means members of the Commission appointed by the appropriate authorities in Canada.

SEC. 3. There shall be established, in accordance with the agreement between the Governments of the United States and Canada signed January 22, 1964, a joint United States-Canadian Commission, to be called the "Roosevelt Campobello International Park Commission," which shall have as its functions—

(a) to accept title from the Hammer family to the former Roosevelt estate comprising the Roosevelt home and other grounds on Campobello Island;

(b) to take the necessary measures to restore the Roosevelt home as closely as possible to its condition when it was occupied by President Franklin Delano Roosevelt;

(c) to administer as a memorial the Roosevelt Campobello International Park comprising the Roosevelt estate and such other lands as may be acquired.

SEC. 4. The Commission shall have juridical personality and all powers and capacity necessary or appropriate for the purpose of performing its functions pursuant to the agreement between the Governments of the United States and Canada signed January 22, 1964, which shall include but not be limited to the power and capacity—

(a) to acquire property, both real and personal, or interests therein, by gift, including conditional gifts whether conditioned on the expenditure of funds to be met therefrom or not, by purchase, by lease or otherwise, and to hold or dispose of the same under such terms and conditions as it sees fit, excepting the power to dispose of the Roosevelt home and the tract of land on which it is located;

(b) to enter into contracts;

(c) to sue or be sued, complain and defend, implead and be impleaded, in any United States district court. In such suits, the Attorney General shall supervise and control the litigation;

(d) to appoint its own employees, including an executive secretary who shall act as secretary at meetings of the Commission, and to fix the terms and conditions of their employment and compensation;

(e) to delegate to the executive secretary or other officials and to authorize the redelegation of such authority respecting the employment and direction of its employees and the other responsibilities of the Commission as it deems desirable and appropriate;

(f) to adopt such rules of procedure as it deems desirable to enable it to perform the functions set forth in this agreement;

(g) to charge admission fees for entrance to the park should the Commission consider such fees desirable; however, such fees

Roosevelt
Campobello Inter-
national Park Act.
Definitions.

Joint United
States-Canadian
Commission.

Functions.

Powers.

Property acqui-
sition.

Employee ap-
pointment.

Delegation of
authority.

Rules.

Fees and
revenues.

shall be set at a level which will make the facilities readily available to visitors; any revenues derived from admission fees or concession operations of the Commission shall be transmitted in equal shares to the two Governments within sixty days of the end of the Commission's fiscal year, the United States share to be turned over to the appropriate Federal agency for deposit into the United States Treasury in accordance with the laws governing entrance fees received by the National Park Service;

Seal.

(h) to grant concessions, if deemed desirable;

(i) to adopt and use a seal;

(j) to obtain without reimbursement, for use either in the United States or in Canada, legal, engineering, architectural, accounting, financial, maintenance, and other services, whether by assignment, detail, or otherwise, from competent agencies in the United States or in Canada, by arrangements with such agencies.

Commission membership.

SEC. 5. (a) The Commission shall consist of six members, of whom three shall be the United States members and three shall be the Canadian members. The United States members shall be three persons appointed by the President, of whom one shall be selected from nominations which may be made by the Governor of the State of Maine. Alternates to United States members shall be appointed in the same manner as the members themselves. The United States members and their alternates shall hold office at the pleasure of the President. A vacancy among the United States members of the Commission or their alternates shall be filled in the same manner in which the original appointment was made. An alternate shall, in the absence of the member of the Commission for whom he is alternate, attend meetings of the Commission and act and vote in the place and instead of that member of the Commission.

Chairman and Vice Chairman.

(b) The Commission shall elect a Chairman and a Vice Chairman from among its members, each of whom shall hold office for a term of two years. The post of Chairman shall be filled for alternate terms by a Canadian and by a United States member. The post of Vice Chairman shall be filled by a Canadian member if the post of Chairman is held by a United States member, and by a United States member if the post of Chairman is held by a Canadian member. In the event of a vacancy in the office of Chairman or Vice Chairman within the two-year term, the vacancy shall be filled for the remainder of the term by special election in accordance with the foregoing requirements. The Vice Chairman shall act as Chairman in the absence of the Chairman.

Quorum.

(c) Four members of the Commission shall constitute a quorum for the transaction of business, but the affirmative votes of at least two United States members, or their alternates, and at least two Canadian members, or their alternates, shall be required for any decision to be made by the Commission.

Compensation.

SEC. 6. No compensation will be attached to the position of United States members of the Commission. United States members or their alternates shall be reimbursed by the Commission for travel expenses in accordance with section 5 of the Administrative Expenses Act of 1946, as amended, and the Standardized Government Travel Regulations.

60 Stat. 808.
5 USC 73b-2.

SEC. 7. The Commission may employ both United States and Canadian citizens.

SEC. 8. The Commission shall hold at least one meeting every calendar year and shall submit an annual report to the United States and Canadian Governments on or before March 31 of each year, including a general statement of the operation for the previous year and the results of an independent audit of the financial operations of the Commission. The Commission shall permit inspection of its records by the accounting agencies of both the United States and Canadian Governments.

Meetings and reports.

SEC. 9. The Commission shall maintain insurance in reasonable amounts, including, but not limited to, liability and property insurance. Such insurance may not cover the Commissioners or employees of the Commission except when sued by name for acts done in the scope of their employment.

Insurance.

SEC. 10. In an action against the Commission instituted in a district court of the United States, service of the summons and of the complaint upon the Commission shall be made by delivering a copy thereof to the United States attorney for the district in which the action is brought, or to an assistant United States attorney, or to a clerical employee designated by the United States attorney to accept service in a writing filed with the clerk of the court, and by sending a copy of the summons and of the complaint to the Commission by registered or certified mail.

Court action.

SEC. 11. (a) The United States Government shall not be liable for any act or omission of the Commission or of any person employed by, or assigned or detailed to, the Commission.

Liability of United States.

(b) Any liability of the Commission shall be met from funds of the Commission to the extent that it is not covered by insurance, or otherwise. Property belonging to the Commission shall be exempt from attachment, execution, or other process for satisfaction of claims, debts, or judgments.

(c) No liability of the Commission shall be imputed to any member of the Commission solely on the basis that he occupies the position of member of the Commission.

SEC. 12. The Commission shall not be subject to Federal, State, or municipal taxation in the United States on any real or personal property held by it or on any gift, bequest, or devise to it of any personal or real property, or on its income, whether from governmental appropriations, admission fees, concessions, or donations.

Taxation, exemption.

SEC. 13. For the purpose of Federal income, estate, and gift taxes, any gift, devise, or bequest to or for the use of the Commission, and accepted by the Commission under authority of this Act, shall be deemed to be a gift, devise, or bequest to or for the use of the United States, as the case may be, if it is not deducted as a gift, devise, or bequest to or for the use of the Government of Canada under the income, estate, or gift tax laws of the Government of Canada.

SEC. 14. There are hereby authorized to be appropriated to the Department of the Interior without fiscal year limitation such sums as may be necessary for the purposes of this Act and the agreement with the Government of Canada signed January 22, 1964, article 11 of which provides that the Governments of the United States and Canada shall share equally the costs of developing and the annual cost of operating and maintaining the Roosevelt Campobello International Park.

Appropriation.

Approved July 7, 1964.

Public Law 88-364

AN ACT

July 7, 1964
[H. R. 6777]

To amend section 712 of title 38 of the United States Code to provide for waiver of premiums for certain veterans holding national service life insurance policies who become or have become totally disabled before their sixty-fifth birthday.

Veterans.
Insurance pre-
miums, waiver.
72 Stat. 1150.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective January 1, 1965, subsection (a) of section 712 of title 38, United States Code, is amended to read as follows:

“(a) Upon application by the insured and under such regulations as the Administrator may promulgate, payment of premiums on insurance may be waived during the continuous total disability of the insured, which continues or has continued for six or more consecutive months, if such disability began (1) after the date of his application for insurance, (2) while the insurance was in force under premium-paying conditions, and (3) before the insured’s sixty-fifth birthday. Notwithstanding any other provision of this chapter, in any case in which the total disability of the insured commenced on or after his sixtieth birthday but before his sixty-fifth birthday, the Administrator shall not grant waiver of any premium becoming due prior to January 1, 1965.”

Approved July 7, 1964.

Public Law 88-365

AN ACT

July 9, 1964
[S. 6]

To authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems, both public and private, in metropolitan and other urban areas, and for other purposes.

Urban Mass
Transportation
Act of 1964.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Urban Mass Transportation Act of 1964”.

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds—

(1) that the predominant part of the Nation’s population is located in its rapidly expanding metropolitan and other urban areas, which generally cross the boundary lines of local jurisdictions and often extend into two or more States;

(2) that the welfare and vitality of urban areas, the satisfactory movement of people and goods within such areas, and the effectiveness of housing, urban renewal, highway, and other federally aided programs are being jeopardized by the deterioration or inadequate provision of urban transportation facilities and services, the intensification of traffic congestion, and the lack of coordinated transportation and other development planning on a comprehensive and continuing basis; and

(3) that Federal financial assistance for the development of efficient and coordinated mass transportation systems is essential to the solution of these urban problems.

(b) The purposes of this Act are—

(1) to assist in the development of improved mass transportation facilities, equipment, techniques, and methods, with the cooperation of mass transportation companies both public and private;

(2) to encourage the planning and establishment of areawide urban mass transportation systems needed for economical and desirable urban development, with the cooperation of mass transportation companies both public and private; and

(3) to provide assistance to State and local governments and their instrumentalities in financing such systems, to be operated by public or private mass transportation companies as determined by local needs.

FEDERAL FINANCIAL ASSISTANCE

SEC. 3. (a) In accordance with the provisions of this Act, the Administrator is authorized to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas and in coordinating such service with highway and other transportation in such areas. Eligible facilities and equipment may include land (but not public highways), buses and other rolling stock, and other real or personal property needed for an efficient and coordinated mass transportation system. No grant or loan shall be provided under this section unless the Administrator determines that the applicant has or will have (1) the legal, financial, and technical capacity to carry out the proposed project, and (2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment. No such funds shall be used for payment of ordinary governmental or nonproject operating expenses.

Eligibility.

(b) No loan shall be made under this section for any project for which a grant is made under this section, except grants made for relocation payments in accordance with section 7(b). Loans under this section shall be subject to the restrictions and limitations set forth in paragraphs (1), (2), and (3) of section 202(b) of the Housing Amendments of 1955. The authority provided in section 203 of such Amendments to obtain funds for loans under clause (2) of section 202 (a) of such Amendments shall (except for undisbursed loan commitments) hereafter be exercised by the Administrator (without regard to the proviso in section 202(d) of such Amendments) solely to obtain funds for loans under this section.

69 Stat. 643;
75 Stat. 174.
42 USC 1492.
42 USC 1493.

(c) No financial assistance shall be provided under this Act to any State or local public body or agency thereof for the purpose, directly or indirectly, of acquiring any interest in, or purchasing any facilities or other property of, a private mass transportation company, or for the purpose of constructing, improving, or reconstructing any facilities or other property acquired (after the date of the enactment of this Act) from any such company, or for the purpose of providing by contract or otherwise for the operation of mass transportation facilities or equipment in competition with, or supplementary to, the service provided by an existing mass transportation company, unless (1) the Administrator finds that such assistance is essential to a program, proposed or under active preparation, for a unified or officially coordinated urban transportation system as part of the comprehensively

Private transit
operators.

planned development of the urban area, (2) the Administrator finds that such program, to the maximum extent feasible, provides for the participation of private mass transportation companies, (3) just and adequate compensation will be paid to such companies for acquisition of their franchises or property to the extent required by applicable State or local laws, and (4) the Secretary of Labor certifies that such assistance complies with the requirements of section 10(c) of this Act.

LONG-RANGE PROGRAM

Planning requirements.

SEC. 4. (a) Except as specified in section 5, no Federal financial assistance shall be provided pursuant to section 3 unless the Administrator determines that the facilities and equipment for which the assistance is sought are needed for carrying out a program, meeting criteria established by him, for a unified or officially coordinated urban transportation system as a part of the comprehensively planned development of the urban area, and are necessary for the sound, economic, and desirable development of such area. Such program shall encourage to the maximum extent feasible the participation of private enterprise. Where facilities and equipment are to be acquired which are already being used in mass transportation service in the urban area, the program must provide that they shall be so improved (through modernization, extension, addition, or otherwise) that they will better serve the transportation needs of the area. The Administrator, on the basis of engineering studies, studies of economic feasibility, and data showing the nature and extent of expected utilization of the facilities and equipment, shall estimate what portion of the cost of a project to be assisted under section 3 cannot be reasonably financed from revenues—which portion shall hereinafter be called “net project cost”. The Federal grant for such a project shall not exceed two-thirds of the net project cost. The remainder of the net project cost shall be provided, in cash, from sources other than Federal funds, and no refund or reduction of that portion so provided shall be made at any time unless there is at the same time a refund of a proportional amount of the Federal grant.

Appropriation.

(b) To finance grants under this Act there is hereby authorized to be appropriated at any time after its enactment not to exceed \$75,000,000 for fiscal year 1965; \$150,000,000 for fiscal year 1966; and \$150,000,000 for fiscal year 1967. Any amount so appropriated shall remain available until expended; and any amount authorized but not appropriated for any fiscal year may be appropriated for any succeeding fiscal year. The Administrator is authorized, notwithstanding the provisions of section 3648 of the Revised Statutes, as amended, to make advance or progress payments on account of any grant made pursuant to this Act.

31 USC 529.

EMERGENCY PROGRAM

SEC. 5. Prior to July 1, 1967, Federal financial assistance may be provided pursuant to section 3 where (1) the program for the development of a unified or officially coordinated urban transportation system, referred to in section 4(a), is under active preparation although not yet completed, (2) the facilities and equipment for which the assistance is sought can reasonably be expected to be required for such a system, and (3) there is an urgent need for their preservation or provision. The Federal grant for such a project shall not exceed one-half of the net project cost: *Provided*, That where a Federal grant is made on such a one-half basis, and the planning requirements specified in section 4(a) are fully met within a three-year period after the execution of the grant agreement, an additional grant may then be made to the

applicant equal to one-sixth of the net project cost. The remainder of the net project cost shall be provided, in cash, from sources other than Federal funds, and no refund or reduction of that portion so provided shall be made at any time unless there is at the same time a refund of a proportional amount of the Federal grant.

RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS

SEC. 6. (a) The Administrator is authorized to undertake research, development, and demonstration projects in all phases of urban mass transportation (including the development, testing, and demonstration of new facilities, equipment, techniques, and methods) which he determines will assist in the reduction of urban transportation needs, the improvement of mass transportation service, or the contribution of such service toward meeting total urban transportation needs at minimum cost. He may undertake such projects independently or by contract (including working agreements with other Federal departments and agencies). In carrying out the provisions of this section, the Administrator is authorized to request and receive such information or data as he deems appropriate from public or private sources.

(b) The Administrator may make available to finance projects under this section not to exceed \$10,000,000 of the mass transportation grant authorization provided in section 4(b), which limit shall be increased to \$20,000,000 on July 1, 1965, and to \$30,000,000 on July 1, 1966. In addition, notwithstanding the provisions of section 4 of this Act or of section 103(b) of the Housing Act of 1949, the unobligated balance of the amount available for mass transportation demonstration grants pursuant to the proviso in such section 103(b) shall be available solely for financing projects under this section.

(c) Nothing contained in this section shall limit any authority of the Administrator under section 602 of the Housing Act of 1956 or any other provision of law.

63 Stat. 416.
42 USC 1453.

70 Stat. 1113.
12 USC 1701d-3.

RELOCATION REQUIREMENTS AND PAYMENTS

SEC. 7. (a) No financial assistance shall be extended to any project under section 3 unless the Administrator determines that an adequate relocation program is being carried on for families displaced by the project and that there are being or will be provided (in the same area or in other areas generally not less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the displaced families) an equal number of decent, safe, and sanitary dwellings available to those displaced families and reasonably accessible to their places of employment.

(b) Notwithstanding any other provision of this Act, financial assistance extended to any project under section 3 may include grants for relocation payments, as herein defined. Such grants may be in addition to other financial assistance for the project under section 3, and no part of the amount of such relocation payments shall be required to be contributed as a local grant. The term "relocation payments" means payments by the applicant to individuals, families, business concerns, and nonprofit organizations for their reasonable and necessary moving expenses and any actual direct losses of property, except goodwill or profit, for which reimbursement or compensation is not otherwise made, resulting from their displacement by the project. Such payments shall be made subject to such rules and regulations as may be prescribed by the Administrator, and shall not exceed \$200 in the case of an individual or family, or \$3,000 (or if greater, the total certified actual moving expenses) in the case of

"Relocation payments."

a business concern or nonprofit organization. Such rules and regulations may include provisions authorizing payment to individuals and families of fixed amounts (not to exceed \$200 in any case) in lieu of their respective reasonable and necessary moving expenses and actual direct losses of property.

COORDINATION OF FEDERAL ASSISTANCE FOR HIGHWAYS AND FOR MASS TRANSPORTATION FACILITIES

SEC. 8. In order to assure coordination of highway and railway and other mass transportation planning and development programs in urban areas, particularly with respect to the provision of mass transportation facilities in connection with federally assisted highways, the Administrator and the Secretary of Commerce shall consult on general urban transportation policies and programs and shall exchange information on proposed projects in urban areas.

GENERAL PROVISIONS

SEC. 9. (a) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Administrator shall (in addition to any authority otherwise vested in him) have the functions, powers, and duties set forth in section 402, except subsections (c) (2) and (f), of the Housing Act of 1950. Funds obtained or held by the Administrator in connection with the performance of his functions under this Act shall be available for the administrative expenses of the Administrator in connection with the performance of such functions.

(b) All contracts for construction, reconstruction, or improvement of facilities and equipment in furtherance of the purposes for which a loan or grant is made under this Act, entered into by applicants under other than competitive bidding procedures as defined by the Administrator, shall provide that the Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall, for the purpose of audit and examination, have access to any books, documents, papers, and records of the contracting parties that are pertinent to the operations or activities under such contracts.

(c) All contracts for construction, reconstruction, or improvement of facilities and equipment in furtherance of the purposes for which a loan or grant is made under this Act shall provide that in the performance of the work the contractor shall use only such manufactured articles as have been manufactured in the United States.

(d) As used in this Act—

(1) the term "States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States;

(2) the term "local public bodies" includes municipalities and other political subdivisions of States; public agencies and instrumentalities of one or more States, municipalities, and political subdivisions of States; and public corporations, boards, and commissions established under the laws of any State;

(3) the term "Administrator" means the Housing and Home Finance Administrator;

(4) the term "urban area" means any area that includes a municipality or other built-up place which is appropriate, in the judgment of the Administrator, for a public transportation system to serve commuters or others in the locality taking into consideration the local patterns and trends of urban growth; and

64 Stat. 78;
73 Stat. 681.
12 USC 1749a.

Definitions.

(5) the term "mass transportation" means transportation by bus or rail or other conveyance, either publicly or privately owned, serving the general public (but not including school buses or charter or sightseeing service) and moving over prescribed routes.

Appropriation.

(e) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the funds necessary to carry out all functions under this Act except loans under section 3. All funds appropriated under this Act for other than administrative expenses shall remain available until expended.

(f) None of the provisions of this Act shall be construed to authorize the Administrator to regulate in any manner the mode of operation of any mass transportation system with respect to which a grant is made under section 3 or, after such grant is made, to regulate the rates, fares, tolls, rentals, or other charges fixed or prescribed for such system by any local public or private transit agency; but nothing in this subsection shall prevent the Administrator from taking such actions as may be necessary to require compliance by the agency or agencies involved with any undertakings furnished by such agency or agencies in connection with the application for the grant.

LABOR STANDARDS

SEC. 10. (a) The Administrator shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of loans or grants under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Administrator shall not approve any such loan or grant without first obtaining adequate assurance that required labor standards will be maintained upon the construction work.

Ante, p. 238.

(b) The Secretary of Labor shall have, with respect to the labor standards specified in subsection (a), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z-15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

63 Stat. 108.

(c) It shall be a condition of any assistance under this Act that fair and equitable arrangements are made, as determined by the Secretary of Labor, to protect the interests of employees affected by such assistance. Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of individual employees against a worsening of their positions with respect to their employment; (4) assurances of employment to employees of acquired mass transportation systems and priority of reemployment of employees terminated or laid off; and (5) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5(2)(f) of the Act of February 4, 1887 (24 Stat. 379), as amended. The contract for the granting of any such assistance shall specify the terms and conditions of the protective arrangements.

54 Stat. 905.
49 USC 5.

AIR POLLUTION CONTROL

SEC. 11. In providing financial assistance to any project under section 3, the Administrator shall take into consideration whether the facilities and equipment to be acquired, constructed, reconstructed, or improved will be designed and equipped to prevent and control air pollution in accordance with any criteria established for this purpose by the Secretary of Health, Education, and Welfare.

STATE LIMITATION

SEC. 12. Grants made under section 3 (other than grants for relocation payments in accordance with section 7(b)) for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to section 4(b).

Approved July 9, 1964.

Public Law 88-366

JOINT RESOLUTION

July 9, 1964
[H. J. Res. 475]

To authorize the President to proclaim December 7, 1966, as Pearl Harbor Day in commemoration of the twenty-fifth anniversary of the attack on Pearl Harbor.

Whereas December 7, 1966, will mark the twenty-fifth anniversary of the attack on Pearl Harbor; and

Whereas the steadfast heroism of American forces before the unforeseen onslaught was an inspiration throughout the grim and terrible struggle which followed; and

Whereas the bright beacon of courage then ignited will burn forever in the hearts of freemen: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating December 7, 1966, as Pearl Harbor Day, and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Approved July 9, 1964.

Pearl Harbor
Day, 1966.
Twenty-fifth
anniversary.
Proclamation.

Public Law 88-367

AN ACT

July 9, 1964
[H. R. 5478]

Authorizing a survey of the Frio River in the vicinity of Three Rivers, Texas, in the interest of flood control and allied purposes.

Frio River, Tex.
Flood control
survey.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is hereby authorized to cause a survey of the Frio River in the vicinity of Three Rivers, Texas, to be made under the direction of the Chief of Engineers in the interest of flood control and allied purposes.

Appropriation.

SEC. 2. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Approved July 9, 1964.

Public Law 88-368

AN ACT

July 9, 1964
[H. R. 9876]

To amend the Juvenile Delinquency and Youth Offenses Control Act of 1961 by extending its provisions for two additional years and providing for a special project and study.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Juvenile Delinquency and Youth Offenses Control Act of 1961 is amended by inserting before the period at the end thereof the following: “, and including techniques for the establishment of high ethical and community responsibility standards”.

SEC. 2. Section 6 of the Juvenile Delinquency and Youth Offenses Control Act of 1961 is amended to read as follows:

Juvenile delinquency.
75 Stat. 572.
42 USC 2542.

42 USC 2545.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 6. For the purpose of carrying out the programs provided for in the preceding sections of this Act during the period ending June 30, 1966, there is hereby authorized to be appropriated to the Secretary for the fiscal year ending June 30, 1962, and each of the three succeeding fiscal years, the sum of \$10,000,000; and for the fiscal year ending June 30, 1966, only such sums may be appropriated as the Congress may hereafter authorize by law.”

SEC. 3. The Juvenile Delinquency and Youth Offenses Control Act of 1961 is further amended by adding at the end thereof the following new sections:

42 Stat. 2541
note.

“SPECIAL STUDY OF SCHOOL ATTENDANCE AND CHILD LABOR LAWS

“SEC. 8. The Secretary shall make a special study of the compulsory school attendance laws and of the laws and regulations affecting the employment of minors with a view to determining the effects of such laws and regulations on juvenile delinquency and youth offenses. The Secretary shall transmit an interim report on the results of such study to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Public Welfare of the Senate on or before June 30, 1965, and shall make a final report on the results of such study, together with recommendations for executive or legislative action, to the President and to the Congress as soon as practicable but in any event by January 31, 1966.

Report to congressional committees.

Final report to President and Congress.

“NATIONAL JUVENILE DELINQUENCY DEMONSTRATION PROJECT

“SEC. 9. (a) The Secretary shall formulate and carry out a special project in the Washington metropolitan area for the purpose of demonstrating to the Nation the effectiveness of a large-scale, well-rounded program for the prevention and control of juvenile delinquency and youth offenses. In carrying out such project, the Secretary may utilize the services and facilities of public and private organizations and agencies engaged in combating juvenile delinquency and youth offenses. Such project shall include among other things the provision of guidance and counseling services to supplement (without any reduction in personnel) those provided by the

Demonstration project.

public school system, and the establishment and operation of halfway houses. The project shall also be designed to demonstrate methods of increasing job opportunities available to young people who are, or are in danger of becoming, juvenile delinquents or youth offenders.

“(b) In addition to the sums authorized to be appropriated by section 6, the sum of \$5,000,000 is authorized to be appropriated to carry out this section, to remain available until expended.”

Approved July 9, 1964.

Public Law 88-369

AN ACT

July 11, 1964
[H. R. 10456]

To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

National Aeronautics and Space Administration Authorization Act, 1965.

Research and development.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration the sum of \$5,227,506,000, as follows:

(a) For “Research and development,” \$4,341,100,000 for the following programs:

- (1) Gemini, \$308,400,000;
- (2) Apollo, \$2,677,500,000;
- (3) Advanced missions, \$26,000,000;
- (4) Geophysics and astronomy, \$177,450,000;
- (5) Lunar and planetary exploration, \$283,100,000;
- (6) Sustaining university program, \$46,000,000;
- (7) Launch vehicle development, \$128,200,000;
- (8) Bioscience, \$31,000,000;
- (9) Meteorological satellites, \$37,500,000;
- (10) Communication satellites, \$11,400,000;
- (11) Advanced technological satellites, \$31,000,000;
- (12) Basic research, \$21,000,000;
- (13) Space vehicles systems, \$37,000,000;
- (14) Electronic systems, \$27,000,000;
- (15) Human factor systems, \$15,500,000;
- (16) Nuclear-electric systems, \$47,100,000;
- (17) Nuclear rockets, \$57,000,000;
- (18) Chemical propulsion, \$62,800,000;
- (19) Space power, \$12,500,000;
- (20) Aeronautics, \$37,000,000;
- (21) Tracking and data acquisition, \$261,900,000;
- (22) Technology utilization, \$4,750,000.

(b) For “Construction of facilities”, including land acquisitions, \$262,880,500, as follows:

- (1) Ames Research Center, Moffett Field, California, \$5,668,000;
- (2) Electronics Research Center, Boston, Massachusetts, area, \$10,000,000;
- (3) Goddard Space Flight Center, Greenbelt, Maryland, \$1,221,000;
- (4) Jet Propulsion Laboratory, Pasadena and Edwards, California, \$3,582,000;
- (5) John F. Kennedy Space Center, NASA, Cocoa Beach, Florida, \$87,070,000;
- (6) Langley Research Center, Hampton, Virginia, \$3,938,000;

Construction of facilities.

(7) Lewis Research Center, Cleveland and Sandusky, Ohio, \$770,000;

(8) Manned Spacecraft Center, Houston, Texas, \$23,907,500;

(9) George C. Marshall Space Flight Center, Huntsville, Alabama, \$14,523,500;

(10) Michoud Plant, New Orleans and Slidell, Louisiana, \$6,207,500;

(11) Mississippi Test Facility, Mississippi, \$58,891,500;

(12) Wallops Station, Wallops Island, Virginia, \$1,749,000;

(13) Various locations, \$35,352,500;

(14) Facility planning and design not otherwise provided for, \$10,000,000.

(c) For "Administrative operations", \$623,525,500.

Administrative
expenses.
Program speci-
fications.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds \$250,000, unless the Administrator or his designee has notified the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

Report to con-
gressional com-
mittees.

(e) When so specified in an appropriation Act, any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed \$35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

Scientific con-
sultations.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds \$100,000.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13) of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed a total of \$252,880,500.

SEC. 3. Not to exceed 2 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with \$30,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (14) of such subsection) shall be available for expenditure to con-

Transfer of
funds.

struct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Report to congressional committees.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Transfer of funds.

SEC. 5. The Administrator is hereby authorized to transfer, with the approval of the Bureau of the Budget, funds appropriated pursuant to this Act (other than funds appropriated pursuant to paragraph (14) of subsection 1(b)), to any other agency of the Government whenever the Administrator determines such transfer necessary for the efficient accomplishment of the objectives for which the funds have been appropriated. Not more than \$20,000,000 of the funds authorized by this Act may be transferred by the Administrator under this section, and no transfer in excess of \$250,000 shall be made under this section unless the Administrator has transmitted to the Committee on Aeronautical and Space Sciences of the Senate and to the Committee on Science and Astronautics of the House of Representatives a written statement concerning the amount and purpose of, and the reason for, such transfer, and (1) each such committee

Report to congressional committees.

has transmitted to the Administrator written notice to the effect that such committee has no objection to that transfer, or (2) thirty days have passed after the transmittal by the Administrator of such statement to those committees.

SEC. 6. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1965."

Short title.

Approved July 11, 1964.

Public Law 88-370

AN ACT

July 11, 1964
[H. R. 10053]

To amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in the second sentence of subsection (b) of section 502 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1152(b)), is amended by striking out "June 30, 1964," and inserting in lieu thereof "June 30, 1965,".

Vessels.
Construction
subsidy, exten-
tion.
76 Stat. 1200.

Approved July 11, 1964.

Public Law 88-371

JOINT RESOLUTION

July 14, 1964
[H. J. Res. 950]

Granting the consent of Congress to an amendment to the compact between the State of Ohio and the Commonwealth of Pennsylvania relating to Pymatuning Lake.

Whereas, by the Acts of October 28, 1937 (50 Stat. 865); July 24, 1945 (59 Stat. 502); and July 31, 1961 (75 Stat. 242), Congress gave consent to a certain compact between the State of Ohio and the Commonwealth of Pennsylvania, relating to Pymatuning Lake, and to two successive amendments thereto; and

Whereas the State of Ohio by an act of its general assembly entitled "An act to amend section 1541.31 of the Revised Code, relative to specifications and speed of motorboats on Pymatuning Lake", and approved July 10, 1963, and the Commonwealth of Pennsylvania, by an act of its general assembly numbered 201 and approved July 31, 1963, have identically enacted a further amendment to said compact, increasing from six horsepower to ten horsepower the maximum rating of motorboats permitted to operate in a specified part of Pymatuning Lake: Be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the State of Ohio and the Commonwealth of Pennsylvania for said further amendment to their compact relating to Pymatuning Lake as provided by said act of the General Assembly of the State of Ohio approved July 10, 1963, and said act of the General Assembly of the Commonwealth of Pennsylvania approved July 31, 1963.

Ohio-Pennsyl-
vania compact,
amendment.

SEC. 2. The right to alter, amend, or repeal the provisions of this Act is hereby expressly reserved.

Approved July 14, 1964.

Public Law 88-372

July 14, 1964
[H. R. 8590]

AN ACT

To incorporate the Aviation Hall of Fame.

Aviation Hall of
Fame.
Incorporation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons: Stanley C. Allyn, Oakwood, Ohio; J. L. Atwood, El Segundo, California; C. M. Pat Barnes, Oakwood, Ohio; Robert J. Barth, Oakwood, Ohio; Donald H. Battin, Dayton, Ohio; Milton A. Caniff, New City, New York; Robert S. Chubb, Oakwood, Ohio; Albert N. Clarkson, Dayton, Ohio; Frederick C. Crawford, Cleveland, Ohio; Don L. Crawford, Dayton, Ohio; Donald W. Douglas, Senior, Santa Monica, California; Charles S. Draper, Cambridge, Massachusetts; John G. Fitzpatrick, Oakwood, Ohio; John P. Fraim, Junior, Oakwood, Ohio; Courtlandt S. Gross, Burbank, California; James W. Jacobs, Dayton, Ohio; Thomas D. Johnson, Xenia, Ohio; Gregory C. Karas, Oakwood, Ohio; John W. Kercher, Oakwood, Ohio; Eugene W. Kettering, Kettering, Ohio; William G. Kiefaber, Dayton, Ohio; Gerald H. Leland, Centerville, Ohio; John A. Lombard, Dayton, Ohio; G. I. MacIntyre, Kettering, Ohio; Fred F. Marshall, Cedarville, Ohio; Robert W. Martin, New York, New York; James S. McDonnell, Junior, Saint Louis, Missouri; Karl B. Mills, Dayton, Ohio; John B. Montgomery, Murray Hill, New Jersey; John H. Murphy, Kettering, Ohio; Larry E. O'Neil, Kettering, Ohio; Mundy I. Peale, Farmingdale, Long Island, New York; Louis F. Polk, Oakwood, Ohio; Edwin W. Rawlings, Minneapolis, Minnesota; Robert G. Ruegg, Wright-Patterson Air Force Base, Ohio; Alden K. Sibley, Grosse Pointe Shores, Michigan; Igor I. Sikorsky, Stratford, Connecticut; Robert J. Simons, Dayton, Ohio; James H. Straubel, Washington, District of Columbia; Charles V. Truax, Kettering, Ohio; John P. Turner, Junior, Oakwood, Ohio; Gerald E. Weller, Kettering, Ohio; Charles W. Whalen, Junior, Oakwood, Ohio; Bernard L. Whelan, Fairfield, Connecticut; Thomas D. White, Washington, District of Columbia; Gill Rob Wilson, Claremont, California; Louis Wozar, Oakwood, Ohio; and their successors, are hereby created and declared to be a body corporate by the name of the Aviation Hall of Fame (hereinafter referred to as the "corporation") and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of bylaws, not inconsistent with the Act, and the doing of such other acts as may be necessary for such purpose.

PURPOSES OF THE CORPORATION

SEC. 3. The purposes of the corporation shall be—

(1) To receive and maintain a fund or funds, and to use and apply the whole or any part of the income therefrom, and the principal thereof, exclusively for charitable, scientific, literary, or educational purposes, either directly or by contributions to organizations duly authorized to carry on similar activities, but no part of such income or principal shall be contributed to any organization whose net earnings or any part thereof inure to the benefit of any private shareholder or individual, or any substantial part of the activities of which is

carrying on propaganda, or otherwise attempting to influence legislation. The detailed purposes hereinafter set forth shall at all times be subject to and in furtherance of the provisions contained in this paragraph.

(2) To honor citizens, aviation leaders, pilots, teachers, scientists, engineers, inventors, governmental leaders, and other individual who have helped to make this Nation great by their outstanding contributions to the establishment, development, advancement, or improvement of aviation in the United States of America.

(3) To perpetuate the memory of such persons and record their contributions and achievements by the erection and maintenance of such buildings, monuments, and edifices as may be deemed appropriate as a lasting memorial.

(4) To foster, promote, and encourage a better sense of appreciation of the origins and growth of aviation, especially in the United States of America, and the part aviation has played in changing the economic, social, and scientific aspects of our Nation.

(5) To establish and maintain a library and museum for collecting and preserving for posterity, the history of those honored by the organization, together with a documentation of their accomplishments and contributions to aviation, including, but not limited to, such items as aviation pictures, paintings, books, papers, documents, scientific data, relics, mementos, artifacts, and things relating thereto.

(6) To cooperate with other recognized aviation organizations which are actively engaged and interested in similar projects.

(7) To engage in any and all activities incidental thereto or necessary, suitable, or proper for the accomplishment of any of the aforementioned purposes.

CORPORATE POWERS

SEC. 4. The corporation shall have the power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, trustees, managers, agents, and employees as the business of the corporation may require;

(5) to adopt, amend, and alter bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm, or individual and to hold any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal, or mixed property; and

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Dayton, Ohio, or in such other place as may be later determined by the board of trustees, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation; and notice to or service upon such agent shall be deemed notice to or service upon the corporation.

MEMBERSHIP; VOTING RIGHTS

SEC. 6. (a) Eligibility for membership in the corporation and the rights, privileges, and designation of classes of members shall, except as provided in this Act, be determined as the bylaws of the corporation may provide.

(b) Each member of the corporation given voting rights by the bylaws shall have the right to one vote on each matter submitted to a vote at all meetings of the voting members of the corporation, which vote may be cast in such manner as the bylaws may prescribe.

BOARD OF TRUSTEES: COMPOSITION, RESPONSIBILITIES

SEC. 7. (a) Upon enactment of this Act the membership of the initial board of trustees of the corporation shall be elected from those persons named in the first section of this Act, their survivors and such additional persons, if any, as shall be named by them.

(b) Thereafter, the board of trustees of the corporation shall consist of such number (not less than eighteen), shall be selected in such manner (including the filling of vacancies), and shall serve for such term as may be provided in the bylaws of the corporation.

(c) The board of trustees shall be the governing body of the corporation, and, during intervals between the meetings of members, shall be responsible for the general policies and program of the corporation and for the control of all funds of the corporation. The board of trustees shall appoint a board of nominations from the membership of the corporation; may appoint committees which shall have and exercise such powers as may be prescribed in the bylaws or by resolution of the board of trustees, and which may be all of the powers of the board of trustees.

OFFICERS; ELECTION AND DUTIES OF OFFICERS

SEC. 8. (a) The officers of the corporation shall be a president, one or more vice presidents (as may be prescribed in the bylaws of the corporation), a secretary, a treasurer, and such other officers as may be provided in the bylaws.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the bylaws of the corporation.

BOARD OF NOMINATIONS: COMPOSITION, RESPONSIBILITIES

SEC. 9. (a) The board of trustees shall appoint a board of nominations from those persons named in the first section of this Act, their survivors and such additional persons, if any, as shall be named by them, not concurrently serving as a member of the board of trustees, and consisting of such number (not less than twenty-four); and shall serve for such term as provided in the bylaws of the corporation.

(b) The board of nominations shall be the designated body of the corporation to nominate United States citizens or residents to be honored by the corporation and recommend such persons to the board of trustees for consideration as prescribed in the bylaws of the corporation.

USE OF INCOME; LOANS TO OFFICERS, TRUSTEES, OR EMPLOYEES

SEC. 10. (a) No part of the income or assets of the corporation shall inure to any of its members, trustees, members of the board of nominations, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers and employees of the corporation in amounts approved by the board of trustees of the corporation.

(b) The corporation shall not make loans to its members, trustees, members of the board of nominations, officers, or employees. Any trustee who votes for or assents to making of a loan or advance to a member, member of the board of nominations, officer, trustee, or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 11. The corporation and its members, members of the board of nominations, trustees, officers, and employees as such shall not contribute to or otherwise support or assist any political party or candidate for public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 12. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 13. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 14. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of trustees, board of nominations, and committees having any of the authority of the board of trustees; and shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 15. (a) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place where the accounts of the corporation are normally kept. All books, accounts, financial records, reports,

files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians, shall be afforded to such person or persons.

Report to
Congress.

(b) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including (1) the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, and (2) a schedule of all contracts requiring payments in excess of \$10,000 and any payments of compensation, salaries, or fees at a rate in excess of \$10,000 per annum. The report shall not be printed as a public document.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 16. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the board of trustees of the corporation and in compliance with the charter and bylaws of the corporation and all Federal and State laws applicable thereto. Such distribution shall be consistent with the purposes of the corporation.

ACQUISITION OF ASSETS AND LIABILITIES OF EXISTING CORPORATION

SEC. 17. The corporation may acquire the assets of the National Aviation Hall of Fame, a general, not-for-profit corporation organized under the laws of the State of Ohio, upon discharging or satisfactorily providing for the payment and discharge of all of the liabilities of such corporation.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 18. The right to alter, amend, or repeal this Act is expressly reserved.

Approved July 14, 1964.

Public Law 88-373

AN ACT

July 14, 1964
[H. R. 11257]

To authorize the sale, without regard to the six-month waiting period prescribed, of lead proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act.

Lead, disposal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to sell, by negotiation or otherwise, at the fair market value thereof, approximately fifty thousand short tons of lead now held in the national stock-

pile. Such disposition may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act, relating to dispositions on the basis of a revised determination pursuant to section 2 of said Act, to the effect that no such disposition shall be made until six months after publication in the Federal Register and transmission to the Congress and to the Armed Services Committees thereof of a notice of the proposed disposition, but in such disposition the Administrator of General Services shall comply with the other provisions of such section 3, particularly those which require that the plan and date of disposition shall be fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Approved July 14, 1964.

60 Stat. 597.
50 USC 98b.
50 USC 98a.

Publication in
F. R.

Public Law 88-374

AN ACT

To authorize the sale, without regard to the six-month waiting period prescribed, of zinc proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act.

July 14, 1964
[H. R. 11004]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately seventy-five thousand short tons of zinc now held in the national stockpile. Such disposition may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act, relating to dispositions on the basis of a revised determination pursuant to section 2 of said Act, to the effect that no such disposition shall be made until six months after publication in the Federal Register and transmission to the Congress and to the Armed Services Committees thereof of a notice of the proposed disposition, but in such disposition the Administrator of General Services shall comply with the other provisions of such section 3, particularly those which require that the plan and date of disposition shall be fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Zinc, disposal.

60 Stat. 597.
50 USC 98b.
50 USC 98a.

Publication in
F. R.

Approved July 14, 1964.

Public Law 88-375

AN ACT

Authorizing a survey of Cedar Bayou, Texas, in the interest of flood control and allied purposes.

July 14, 1964
[H. R. 6923]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is hereby authorized to cause a survey of the Cedar Bayou, Texas, to be made under the direction of the Chief of Engineers in the interest of flood control, navigation, major drainage, and related water uses coordinated with related land resources.

Cedar Bayou,
Tex.
Flood control
survey.

SEC. 2. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Appropriation
authorization.

Approved July 14, 1964.

Public Law 88-376

July 14, 1964
[H. R. 10437]

AN ACT

To incorporate the National Committee on Radiation Protection and Measurements.

National Council on Radiation Protection and Measurements, incorporation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

C. M. Barnes, Rockville, Maryland;
E. C. Barnes, Edgewood, Pennsylvania;
V. P. Bond, Setauket, Long Island, New York;
C. B. Braestrup, New York, New York;
J. T. Brennan, Bethesda, Maryland;
L. T. Brown, Bethesda, Maryland;
R. F. Brown, San Francisco, California;
F. R. Bruce, Oak Ridge, Tennessee;
J. C. Bugher, Rio Piedras, Puerto Rico;
D. R. Chadwick, Upper Marlboro, Maryland;
R. H. Chamberlain, Philadelphia, Pennsylvania;
J. F. Crow, Madison, Wisconsin;
R. L. Doan, Idaho Falls, Idaho;
C. L. Dunham, Washington, District of Columbia;
T. C. Evans, Iowa City, Iowa;
E. G. Fuller, Bethesda, Maryland;
R. O. Gorson, Philadelphia, Pennsylvania;
J. W. Healy, Chappaqua, New York;
P. C. Hodges, Chicago, Illinois;
A. R. Keene, Richland, Washington;
M. Kleinfeld, Brooklyn, New York;
H. W. Koch, Silver Spring, Maryland;
D. I. Livermore, Washington, District of Columbia;
G. V. LeRoy, Chicago, Illinois;
W. B. Mann, Chevy Chase, Maryland;
W. A. McAdams, Schenectady, New York;
G. W. Morgan, Kensington, Maryland;
K. Z. Morgan, Oak Ridge, Tennessee;
H. J. Muller, Bloomington, Indiana;
R. J. Nelsen, Rockville, Maryland;
R. R. Newell, San Francisco, California;
W. D. Norwood, Richland, Washington;
H. M. Parker, Richland, Washington;
C. Powell, Bethesda, Maryland;
E. H. Quimby, New York, New York;
J. C. Reeves, Gainesville, Florida;
R. Robbins, Philadelphia, Pennsylvania;
H. H. Rossi, Nyack, New York;
E. L. Saenger, Cincinnati, Ohio;
T. L. Shipman, Los Alamos, New Mexico;
P. J. Shore, Patchogue, New York;
J. H. Sterner, Rochester, New York;
R. S. Stone, San Francisco, California;
L. S. Taylor, Bethesda, Maryland;
E. D. Trout, Corvallis, Oregon;
B. F. Trum, Boston, Massachusetts;
Shields Warren, Boston, Massachusetts;
E. G. Williams, Jacksonville, Florida;
H. O. Wyckoff, Silver Spring, Maryland;

and their successors, are hereby created and declared to be a body corporate, by name of the National Council on Radiation Protection and Measurements (hereinafter called the corporation), and by such name shall be known, and have perpetual succession and the powers, limitations, and restrictions contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. The persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be—

(1) to collect, analyze, develop, and disseminate in the public interest information and recommendations about (a) protection against radiation (referred to herein as "radiation protection"), and (b) radiation measurements, quantities, and units, particularly those concerned with radiation protection;

(2) to provide a means by which organizations concerned with the scientific and related aspects of radiation protection and of radiation quantities, units, and measurements may cooperate for effective utilization of their combined resources, and to stimulate the work of such organizations;

(3) to develop basic concepts about radiation quantities, units, and measurements, about the application of these concepts, and about radiation protection;

(4) to cooperate with the International Commission on Radiological Protection, the Federal Radiation Council, the International Commission on Radiological Units and Measurements, and other national and international organizations, governmental and private, concerned with radiation quantities, units, and measurements and with radiation protection.

POWERS OF CORPORATION

SEC. 4. The corporation shall have power—

(1) To sue and be sued, complain and defend in any court of competent jurisdiction.

(2) To adopt, alter, and use a corporate seal.

(3) To choose such officers, directors, trustees, managers, agents, and employees as the business of the corporation may require.

(4) To adopt, amend, and alter bylaws not inconsistent with the laws of the United States of America or of any State in which the corporation is to operate, for the management of its property and the regulation of its affairs.

(5) To make contracts.

(6) To take and hold by lease, gift, purchase, grant, devise, or bequest, or by any other method, any property, real or personal, necessary or proper for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State or the District of Columbia (a) governing the amount or kind of such property which may be held by, or (b) otherwise limiting or controlling the ownership of any such property by a corporation operating in such State or the District of Columbia.

(7) To transfer and convey real or personal property, and to mortgage, pledge, encumber, lease, and sublease the same.

(8) To borrow money for its corporate purposes and issue bonds or other evidences of indebtedness therefor, and to secure the same by mortgage, pledge, or lien, subject in every case to all applicable provisions of Federal or State law, or of the laws of the District of Columbia.

(9) To do any and all such acts and things necessary and proper to carry out the purposes of the corporation.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in the District of Columbia, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States, the Commonwealth of Puerto Rico, and the possessions of the United States, and in other areas throughout the world.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP; VOTING RIGHTS

SEC. 6. (a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined as the bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary and associate members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 7. (a) Upon enactment of this Act the membership of the initial board of directors of the corporation shall be those persons whose names are listed in section 1 of this Act.

(b) Thereafter, the board of directors of the corporation shall be selected in such manner and shall serve for such term as may be prescribed in the bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for the control of all funds of the corporation.

OFFICERS; ELECTION OF OFFICERS

SEC. 8. (a) The officers of the corporation shall be a president, one or more vice presidents, a secretary, a treasurer, and such other officers as may be prescribed in the bylaws. The duties of the officers shall be as prescribed in the bylaws of the corporation.

(b) Officers shall be elected annually at the annual meeting of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to

any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation, and its officers, directors, and duly appointed agents as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock nor to declare nor pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having authority under the board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. (a) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the corporation's assets and liabilities, surplus, or deficit, with an analysis of the changes therein during the year, sup-

Report to
Congress.

plemented in reasonable detail by a statement of the corporation's income and expenses during the year including (1) the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, and (2) a schedule of all contracts requiring payments in excess of \$10,000 and any payments of compensation, salaries, or fees at a rate in excess of \$10,000 per annum. The report shall not be printed as a public document.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the bylaws of the corporation and all Federal and State laws applicable thereto. Such distribution shall be consistent with the purposes of the corporation.

ACQUISITION OF ASSETS AND LIABILITIES OF THE EXISTING ASSOCIATION

SEC. 16. The corporation may and shall acquire all of the assets of the existing unincorporated organization known as the National Committee on Radiation Protection and Measurements, subject to any liabilities and obligations of the said organization.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 17. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved July 14, 1964.

Public Law 88-377

AN ACT

To authorize the disposal, without regard to the prescribed six-month waiting period, of approximately eleven million pounds of molybdenum from the national stockpile.

July 14, 1964
[H. R. 11235]

Molybdenum,
disposal.

60 Stat. 597.

Publication in
F. R.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately eleven million pounds of molybdenum contained in molybdenum disulphide now held in the national stockpile. Such disposal may be made without regard to the provision of section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), that no disposition of materials held in the national stockpile shall be made prior to the expiration of six months after the publication in the Federal Register and the transmission to the Congress and to the Armed Services Committee of each House thereof of the notice of the proposed disposition required by said section 3(e).

Approved July 14, 1964.

Public Law 88-378

AN ACT

To incorporate the Little League Baseball, Incorporated.

July 16, 1964
[H. R. 9234]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That James E. Axeman, Williamsport, Pennsylvania; Colonel Theodore P. Bank, Chicago, Illinois; Nicholas C. Colombo, Galveston, Texas; John K. Conneen, Bethlehem, Pennsylvania; Yale A. Corcoran, Chicago, Illinois; Doctor Arthur A. Esslinger, Eugene, Oregon; Merrill Martin Galloway, West Columbia, Texas; George H. Harding, Lebanon, Tennessee; Edward B. Johnson, Port Chester, New York; G. Herbert McCracken, New York, New York; Peter J. McGovern, Chairman, Williamsport, Pennsylvania; Frank J. McGrath, Scarsdale, New York; Doctor Elmon L. Vernier, Baltimore, Maryland; Milton F. Ziehn, Sacramento, California; and their successors, are hereby created and declared to be a body corporate by the name of the Little League Baseball, Incorporated (hereinafter called the corporation), and by such name shall be known and have perpetual succession and the powers and limitations contained in this Act.

Little League
Baseball, Inc.

COMPLETION OF ORGANIZATION

SEC. 2. The persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and by-laws, not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be—

- (1) To promote, develop, supervise, and voluntarily assist in all lawful ways the interest of boys who will participate in Little League baseball.
- (2) To help and voluntarily assist boys in developing qualities of citizenship, sportsmanship, and manhood.
- (3) Using the disciplines of the native American game of baseball, to teach spirit and competitive will to win, physical fitness through individual sacrifice, the values of teamwork and wholesome well-being through healthful and social association with other youngsters under proper leadership.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

- (1) to sue and be sued, complain, and defend in any court of competent jurisdiction;
- (2) to adopt, alter, and use a corporate seal;
- (3) to choose such officers, directors, trustees, managers, agents, and employees as the business of the corporation may require;
- (4) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;
- (5) to contract and be contracted with;
- (6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money or property to be devoted to the carrying out of its purposes;
- (7) to take and hold by lease, gift, purchase, grant, devise,

bequest or otherwise any property, real or personal, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject to applicable provisions of law in any State (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real or personal property by a corporation operating in such State;

(8) to transfer, encumber, and convey real or personal property;

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;

(10) to adopt, alter, use, and display such emblems, seals, and badges as it may adopt; and

(11) to do any and all lawful acts and things necessary or desirable in carrying out the objects and purposes of the corporation.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Williamsport, Pennsylvania, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States, the Commonwealth of Puerto Rico, and the possessions of the United States, and in other areas throughout the world.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP; VOTING RIGHTS

SEC. 6. (a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary and associate members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 7. (a) Upon enactment of this Act the membership of the initial board of directors of the corporation shall consist of the members of the board of directors of the corporation referred to in section 17 of this Act.

(b) Thereafter, the board of directors of the corporation shall consist of such number (not less than 13), shall be selected in such manner (including the filling of vacancies), and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for the control of all funds of the corporation.

OFFICERS; ELECTION OF OFFICERS

SEC. 8 (a) The officers of the corporation shall be a chairman of the board of directors, a president, a vice president, and a secretary-

treasurer. The duties of the officers shall be as prescribed in the constitution and bylaws of the corporation.

(b) Officers shall be elected annually at the annual meeting of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation, and its officers, directors, and duly appointed agents as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock nor to declare nor pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having authority under the board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. (a) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

Report to
Congress.

(b) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including (1) the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, and (2) a schedule of all contracts requiring payments in excess of \$10,000 and any payments of compensation, salaries, or fees at a rate in excess of \$10,000 per annum. The report shall not be printed as a public document.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto. Such distribution shall be consistent with the purposes of the corporation.

EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 16. The corporation shall have the sole and exclusive right to use and to allow or refuse to others the use of the terms "Little League", "Little Leaguer", and the official Little League emblem or any colorable simulation thereof. No powers or privileges hereby granted shall, however, interfere or conflict with established or vested rights.

TRANSFER OF ASSETS

SEC. 17. The corporation may acquire the assets of the Little League Baseball, Incorporated, chartered in the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of New York applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 18. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved July 16, 1964.

Public Law 88-379

AN ACT

July 17, 1964
[S. 2]

To establish water resources research centers, to promote a more adequate national program of water research, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Water Resources Research Act of 1964."

(b) In order to assist in assuring the Nation at all times of a supply of water sufficient in quantity and quality to meet the requirements of its expanding population, it is the purpose of the Congress, by this Act, to stimulate, sponsor, provide for, and supplement present programs for the conduct of research, investigations, experiments, and the training of scientists in the fields of water and of resources which affect water.

Water Re-
sources Re-
search Act
of 1964.

TITLE I—STATE WATER RESOURCES RESEARCH INSTITUTES

Appropriation.

SEC. 100. (a) There are authorized to be appropriated to the Secretary of the Interior for the fiscal year 1965 and each subsequent year thereafter sums adequate to provide \$75,000 to each of the several States in the first year, \$87,500 in each of the second and third years, and \$100,000 each year thereafter to assist each participating State in establishing and carrying on the work of a competent and qualified water resources research institute, center, or equivalent agency (hereinafter referred to as "institute") at one college or university in that State, which college or university shall be a college or university established in accordance with the Act approved July 2, 1862 (12 Stat. 503), entitled "An Act donating public lands to the several States and territories which may provide colleges for the benefit of agriculture and the mechanic arts" or some other institution designated by Act of the legislature of the State concerned: *Provided*, That (1) if there is more than one such college or university in a State, established in accordance with said Act of July 2, 1862, funds under this Act shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to the one such college or university designated by the Governor of the State to receive the same subject to the Secretary's determination that such college or university has, or may reasonably be expected to have, the capability of doing effective work under this Act; (2) two or more States may cooperate in the designation of a single interstate or regional institute, in which event the sums assignable to all of the cooperating States shall be paid to such institute; and (3) a designated college or university may, as authorized by appropriate State authority, arrange with other colleges and universities within the State to participate in the work of the institute.

7 USC 301-
308.

(b) It shall be the duty of each such institute to plan and conduct and/or arrange for a component or components of the college or university with which it is affiliated to conduct competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to water resources and to provide for the training of scientists through such research, investigations, and experiments. Such research, investigations, experiments, and training may include, without being limited to, aspects of the hydrologic cycle; supply and demand for water; conservation and best use of available supplies of water; methods of increasing such supplies; and economic, legal, social, engineering, recreational, biological, geographic, ecological, and other aspects of water problems, having due regard to the varying conditions

and needs of the respective States, to water research projects being conducted by agencies of the Federal and State Governments, the agricultural experiment stations, and others, and to avoidance of any undue displacement of scientists and engineers elsewhere engaged in water resources research.

Matching funds.

SEC. 101. (a) There is further authorized to be appropriated to the Secretary of the Interior for the fiscal year 1965 and each subsequent year thereafter sums not in excess of the following: 1965, \$1,000,000; 1966, \$2,000,000; 1967, \$3,000,000; 1968, \$4,000,000; and 1969 and each of the succeeding years, \$5,000,000. Such moneys when appropriated, shall be available to match, on a dollar-for-dollar basis, funds made available to institutes by States or other non-Federal sources to meet the necessary expenses of specific water resources research projects which could not otherwise be undertaken, including the expenses of planning and coordinating regional water resources research projects by two or more institutes.

Applications for grants.

(b) Each application for a grant pursuant to subsection (a) of this section shall, among other things, state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the importance of the project to the water economy of the Nation, the region, and the State concerned, its relation to other known research projects theretofore pursued or currently being pursued, and the extent to which it will provide opportunity for the training of water resources scientists. No grant shall be made under said subsection (a) except for a project approved by the Secretary, and all grants shall be made upon the basis of the merit of the project, the need for the knowledge which it is expected to produce when completed, and the opportunity it provides for the training of water resources scientists.

Payments.

SEC. 102. Sums available to the States under the terms of sections 100 and 101 of this Act shall be paid to their designated institutes at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him. Each institute shall have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this Act and shall make an annual report to the Secretary on or before the 1st day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any of the provisions of this Act during the preceding fiscal year, and of its disbursement, on schedules prescribed by the Secretary. If any of the moneys received by the authorized receiving officer of any institute under the provisions of this Act shall by any action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

Funds for printing, etc.

SEC. 103. Moneys appropriated pursuant to this Act, in addition to being available for expenses for research, investigations, experiments, and training conducted under authority of this Act, shall also be available for printing and publishing the results thereof and for administrative planning and direction. The institutes are hereby authorized and encouraged to plan and conduct programs financed under this Act in cooperation with each other and with such other agencies and individuals as may contribute to the solution of the water problems involved, and moneys appropriated pursuant to this Act shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

SEC. 104. The Secretary of the Interior is hereby charged with the responsibility for the proper administration of this Act and, after full consultation with other interested Federal agencies, shall prescribe such rules and regulations as may be necessary to carry out its provisions. He shall require a showing that institutes designated to receive funds have, or may reasonably be expected to have, the capability of doing effective work. He shall furnish such advice and assistance as will best promote the purposes of this Act, participate in coordinating research initiated under this Act by the institutes, indicate to them such lines of inquiry as to him seem most important, and encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

Secretary of the Interior, responsibility.

On or before the 1st day of July in each year after the passage of this Act, the Secretary shall ascertain whether the requirements of section 102 have been met as to each State, whether it is entitled to receive its share of the annual appropriations for water resources research under section 100 of this Act, and the amount which it is entitled to receive.

The Secretary shall make an annual report to the Congress of the receipts and expenditures and work of the institutes in all States under the provisions of this Act. His report shall indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

Report to Congress.

SEC. 105. Nothing in this Act shall be construed to impair or modify the legal relation existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this Act shall in any way be construed to authorize Federal control or direction of education at any college or university.

TITLE II—ADDITIONAL WATER RESOURCES RESEARCH PROGRAMS

SEC. 200. There is authorized to be appropriated to the Secretary of the Interior \$1,000,000 in fiscal year 1965 and \$1,000,000 in each of the nine fiscal years thereafter from which he may make grants, contracts, matching, or other arrangements with educational institutions (other than those establishing institutes under title I of this Act), private foundations or other institutions; with private firms and individuals; and with local, State and Federal Government agencies, to undertake research into any aspects of water problems related to the mission of the Department of the Interior, which may be deemed desirable and are not otherwise being studied. The Secretary shall submit each such proposed grant, contract, or other arrangement to the President of the Senate and the Speaker of the House of Representatives, and no appropriation shall be made to finance the same until 60 calendar days (which 60 days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days) after such submission and then only if, within said 60 days, neither the Committee on Interior and Insular Affairs of the House of Representatives nor the Committee on Interior and Insular Affairs of the Senate disapproves the same.

Proposed grants, etc.
Transmittal to Congress.

TITLE III—MISCELLANEOUS PROVISIONS

Cooperation of
Government agen-
cies.

Availability of
information.

SEC. 300. The Secretary of the Interior shall obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with water problems, of State and local governments, and of private institutions and individuals, to assure that the programs authorized in this Act will supplement and not duplicate established water research programs, to stimulate research in otherwise neglected areas, and to contribute to a comprehensive, nationwide program of water and related resources research. He shall make generally available information and reports on projects completed, in progress, or planned under the provisions of this Act, in addition to any direct publication of information by the institutes themselves.

SEC. 301. Nothing in this Act is intended to give or shall be construed as giving the Secretary of the Interior any authority or surveillance over water resources research conducted by any other agency of the Federal Government, or as repealing, superseding, or diminishing existing authorities or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its areas of responsibility and concern with water resources.

SEC. 302. Contracts or other arrangements for water resources work authorized under this Act with an institute, educational institution, or non-profit organization may be undertaken without regard to the provisions of section 3684 of the Revised Statutes (31 U.S.C. 529) when, in the judgment of the Secretary of the Interior, advance payments of initial expense are necessary to facilitate such work.

SEC. 303. No part of any appropriated funds may be expended pursuant to authorization given by this Act for any scientific or technological research or development activity unless such expenditure is conditioned upon provisions determined by the Secretary of the Interior, with the approval of the Attorney General, to be effective to insure that all information, uses, products, processes, patents, and other developments resulting from that activity will (with such exceptions and limitations as the Secretary may determine, after consultation with the Secretary of Defense, to be necessary in the interest of the national defense) be made freely and fully available to the general public. Nothing contained in this section shall deprive the owner of any background patent relating to any such activity of any rights which that owner may have under that patent.

Cataloging
center.

SEC. 304. There shall be established, in such agency and location as the President determines to be desirable, a center for cataloging current and projected scientific research in all fields of water resources. Each Federal agency doing water resources research shall cooperate by providing the cataloging center with information on work underway or scheduled by it. The cataloging center shall classify and maintain for general use a catalog of water resources research and investigation projects in progress or scheduled by all Federal agencies and by such non-Federal agencies of government, colleges, universities, private institutions, firms, and individuals as voluntarily may make such information available.

Agency responsi-
bilities.
Presidential
action.

SEC. 305. The President shall, by such means as he deems appropriate, clarify agency responsibilities for Federal water resources research and provide for interagency coordination of such research, including the research authorized by this Act. Such coordination shall include (a) continuing review of the adequacy of the Government-wide program in water resources research, (b) identification and

elimination of duplication and overlaps between two or more agency programs, (c) identification of technical needs in various water resources research categories, (d) recommendations with respect to allocation of technical effort among the Federal agencies, (e) review of technical manpower needs and findings concerning the technical manpower base of the program, (f) recommendations concerning management policies to improve the quality of the Government-wide research effort, and (g) actions to facilitate interagency communication at management levels.

SEC. 306. As used in this Act, the term "State" includes the Commonwealth of Puerto Rico.

"State."

Approved July 17, 1964.

Public Law 88-380

AN ACT

To amend subsection (b) of section 512 of the Internal Revenue Code of 1954 (dealing with unrelated business taxable income).

July 17, 1964
[H. R. 6455]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 512 of the Internal Revenue Code of 1954 (dealing with unrelated business taxable income) is amended by adding the following new paragraph at the end thereof:

Unrelated business taxable income.
68A Stat. 170;
72 Stat. 80.
26 USC 512.

"(14) In the case of an organization which is described in section 501(c)(5), there shall be excluded all income used to establish, maintain, or operate a retirement home, hospital, or other similar facility for the exclusive use and benefit of the aged and infirm members of such an organization, which is derived from agricultural pursuits conducted on a ground contiguous to the retirement home, hospital, or similar facility and further provided that such income does not provide more than 75 percent of the cost of maintaining and operating the retirement home, hospital, or similar facility; and there shall be excluded all deductions directly connected with such income."

26 USC 501.

SEC. 2. The amendment made by the first section of this Act shall apply with respect to taxable years beginning after December 31, 1963.

Approved July 17, 1964, 1:33 p.m.

Public Law 88-381

AN ACT

Authorizing the Commissioners of the District of Columbia to locate a portion of a vehicular tunnel under parts of the United States Capitol Grounds and the United States Botanic Garden grounds, and for other purposes.

July 21, 1964
[H. R. 10392]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are authorized and directed, in constructing, maintaining, and operating a vehicular tunnel in the city of Washington, District of Columbia, extending from the vicinity of Second and C Streets Southwest, to the vicinity of Third and Constitution Avenue Northwest, as a part of the Innerloop Freeway

D.C.
Vehicular tunnel, location.

System, to locate a portion of such tunnel under square W-576, which is a part of the United States Botanic Garden grounds, and reservation 12, which is a part of the United States Capitol Grounds.

Construction
conditions.
Architect of the
Capitol, approval.

SEC. 2. Subject to the approval of the Architect of the Capitol and to such conditions as he may prescribe, the Commissioners of the District of Columbia are authorized to make such use of square W-576 and reservations 12 and 6B as may be necessary for the construction of the tunnel, including borings and other preliminary work and storing of materials, and the reconstruction of that section of the Tiber Creek sewer located under square W-576 and reservation 6B.

SEC. 3. Except as provided in section 6, nothing in this Act shall be construed to grant to the Commissioners of the District of Columbia any right, title, or interest in or to any real property of the United States, and reservation 12 shall in its entirety continue to be a part of the United States Capitol Grounds, and square W-576 shall in its entirety continue to be a part of the United States Botanic Garden grounds. The Commissioners shall have jurisdiction and control of, and sole responsibility for the operation and maintenance of, those portions of the tunnel beneath square W-576 and reservation 12.

SEC. 4. All areas of square W-576 and reservations 12 and 6B disturbed by reason of operations under this Act shall, except as otherwise provided in this Act, be restored to their original condition to the satisfaction of the Architect of the Capitol.

SEC. 5. Except as provided in section 6, the United States shall not incur any expense or liability whatsoever under or by reason of this Act, or be liable under any claim of any nature or kind that may arise from the construction, or the operation or maintenance, of that portion of the tunnel authorized by this Act.

SEC. 6. The Architect of the Capitol is authorized to convey to the Commissioners of the District of Columbia, for purposes of constructing the Innerloop Freeway System, all, or so much as he determines necessary, of the right, title, and interest of the United States in and to reservations 6B, 6C, 6D, 6E, 6F, and 286 in the District of Columbia. Any real property conveyed under this section shall thereafter be under the sole jurisdiction and control of the Commissioners of the District of Columbia.

Condition.

SEC. 7. Notwithstanding the joint resolution entitled "Joint resolution providing for the construction and maintenance of a National Gallery of Art", approved March 24, 1937 (50 Stat. 51; 20 U.S.C. 71), the Commissioners of the District of Columbia are authorized to use the east sixty-five feet of the area bounded by Fourth Street, Pennsylvania Avenue, Third Street, and North Mall Drive Northwest, in the District of Columbia for the construction and maintenance of a vehicular tunnel, on condition that after such construction is completed (1) the surface thereof is maintained at its original grade, (2) no portion of the tunnel, including ventilating equipment and utilities, is nearer the surface than eight feet, and (3) the surface ingress and egress to such property is not limited.

Approved July 21, 1964.

Public Law 88-382

AN ACT

July 23, 1964
[H. R. 287]

To amend title II of the Social Security Act to include Nevada among those States which are permitted to divide their retirement systems into two parts for purposes of obtaining social security coverage under Federal-State agreement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 218(d)(6)(C) of the Social Security Act is amended by inserting "Nevada," before "New Mexico."

Approved July 23, 1964.

72 Stat. 1038.
42 USC 418.

Public Law 88-383

AN ACT

July 28, 1964
[H. R. 6237]

To amend section 503 of the Federal Property and Administrative Services Act of 1949, as amended, to authorize grants for the collection, reproduction, and publication of documentary source material significant to the history of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 503 of the Federal Property and Administrative Services Act of 1949 (44 U.S.C. 393) be amended as follows:

Subsection 503(d) is amended by inserting after the words "United States." the second time it appears the following language: "The Administrator is authorized, within the limits of appropriated and donated funds available therefor, to make allocations to Federal agencies, and grants to State and local agencies and to nonprofit organizations and institutions, for the collecting, describing, preserving and compiling, and publishing (including microfilming and other forms of reproduction) of documentary sources significant to the history of the United States. Prior to making such allocations and grants, the Administrator should seek the advice and recommendations of the National Historical Publications Commission."

Section 503 is further amended by the addition of four new subsections as follows:

"(e) The Commission is authorized to establish special advisory committees to consult with and make recommendations to it. The members of such special advisory committees shall be chosen from among the leading historians, political scientists, archivists, librarians, and other specialists of the Nation. Members of such special advisory committees shall be reimbursed for transportation and other expenses on the same basis as members of the Commission.

"(f) There is hereby authorized to be appropriated to the General Services Administration for the fiscal year ending June 30, 1965, and each of the four succeeding fiscal years an amount not to exceed \$500,000 each year for the purposes specified in (d) above: *Provided*, That such appropriations shall be available until expended when so provided in appropriation Acts.

"(g)(1) Each recipient of grant assistance under subsection (d) of this section shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grants, the total cost of the project or undertaking in connection with which such funds are given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

Federal Property and Administrative Services Act of 1949, amendment.
64 Stat. 584.
Historical documents, grants.

Special advisory committees.

Appropriation.

Records.

"(2) The Administrator and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purposes of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under subsection (d) of this section.

Report to
Congress.

"(h) The Administrator shall make an annual report to the Congress concerning projects undertaken and carried out pursuant to subsection (d) of this section, including detailed information concerning the receipt and use of all appropriated and donated funds made available to the Administrator."

Approved July 28, 1964.

Public Law 88-384

AN ACT

July 28, 1964
[H. R. 393]

To make retrocession to the Commonwealth of Massachusetts of jurisdiction over certain land in the vicinity of Fort Devens, Massachusetts.

Ft. Devens Mil-
itary Reservation,
Mass.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of the Army may, at such times as he may deem desirable, relinquish to the Commonwealth of Massachusetts all, or such portion as he may deem desirable for relinquishment, of the jurisdiction heretofore acquired by the United States over any lands within the Fort Devens Military Reservation, Massachusetts, reserving to the United States such concurrent or partial jurisdiction as he may deem necessary. Relinquishment of jurisdiction under the authority of this Act may be made by filing with the Governor of the Commonwealth of Massachusetts a notice of such relinquishment, which shall take effect upon acceptance thereof by the Commonwealth of Massachusetts in such manner as its laws may prescribe.

Approved July 28, 1964.

Public Law 88-385

AN ACT

July 28, 1964
[H. R. 10736]

To authorize the Secretary of the Navy to adjust the legislative jurisdiction exercised by the United States over lands comprising the United States naval hospital, Portsmouth, Virginia.

U.S. naval
hospital, Ports-
mouth, Va.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of the Navy may, at such times as he may deem desirable, relinquish to the State of Virginia all, or such portion as he may deem desirable for relinquishment, of the jurisdiction heretofore acquired by the United States over any lands comprising the United States naval hospital, Portsmouth, Virginia, reserving to the United States such concurrent or partial jurisdiction as he may deem necessary. Relinquishment of jurisdiction under the authority of this Act may be made by filing with the Governor of the State of Virginia a notice of such relinquishment, which shall take effect upon acceptance thereof by the State of Virginia in such manner as its laws may prescribe.

Approved July 28, 1964.

Public Law 88-386

JOINT RESOLUTION

July 28, 1964
[H. J. Res. 888]

To authorize the Commissioners of the District of Columbia to promulgate special regulations for the period of the ninety-first annual session of the Imperial Council, Ancient Arabic Order of the Nobles of the Mystic Shrine for North America, to be held in Washington, District of Columbia, in July 1965, to authorize the granting of certain permits to "Imperial Shrine Convention, 1965, Incorporated," on the occasions of such sessions, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That for the period of the ninety-first annual session of the Imperial Council, Ancient Arabic Order of the Nobles of the Mystic Shrine for North America, to be held in the District of Columbia from July 13 to July 15, 1965, both dates inclusive, the Commissioners are authorized and directed to make all reasonable regulations necessary to secure the preservation of public order and protection of life, health, and property; to make special regulations respecting the standing, movement, and operation of vehicles of whatever character or kind during said period; and to grant under such conditions as they may impose, special licenses to peddlers and vendors for the privilege of selling goods, wares, and merchandise in such places in the District of Columbia, and to charge such fees for such privilege, as they may deem proper.

D.C., Shrine
Convention, 1965.
Special regula-
tions.

SEC. 2. For the purposes of this Act—

Definitions.

(a) The term "Commissioners" means the Commissioners of the District of Columbia or their designated agent or agents;

(b) The term "corporation" means the "Imperial Shrine Convention, 1965, Incorporated", or its designated agent or agents;

(c) The term "meeting" means the ninety-first annual session of the Imperial Council, Ancient Arabic Order of the Nobles of the Mystic Shrine for North America, to be held in the District of Columbia on July 13, 14, and 15, 1965;

(d) The term "period" or "meeting period" means the ten-day period beginning July 8, 1965, and ending July 17, 1965, both dates inclusive;

(e) The term "Secretary of Defense" means the Secretary of Defense or his designated agent or agents; and

(f) The term "Secretary of the Interior" means the Secretary of the Interior or his designated agent or agents.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary, payable in like manner as other appropriations for the expenses of the District of Columbia, to enable the Commissioners to provide additional municipal services in said District during the meeting period, including employment of personal services without regard to the civil service and classification laws; travel expenses of enforcement personnel, including sanitarians, from other jurisdictions; hire of means of transportation; meals for police, firemen, and other municipal employees; construction, rent, maintenance, and expenses incident to the operation of temporary public comfort stations, first-aid stations, and information booths; and other incidental expenses in the discretion of the Commissioners.

Appropriations.

SEC. 4. The Secretary of the Interior, with the approval of such officer as may exercise jurisdiction over any of the Federal reservations or grounds in the District of Columbia, is authorized to grant to the corporation permits for the use of such reservations or grounds during the meeting period, including a reasonable time prior and subsequent thereto; and the Commissioners are authorized to grant like permits for the use of public space under their jurisdiction. Each such permit shall be subject to such restrictions, terms, and conditions as may be

Use of public
space.
Conditions.

imposed by the grantor of such permit. With respect to public space, no reviewing stand or any stand or structure for the sale of goods, wares, merchandise, food, or drink shall be built on any sidewalk, street, park, reservation, or other public grounds in the District of Columbia, except with the approval of the corporation, and with the approval of the Secretary of the Interior or the Commissioners, as the case may be, depending on the location of such stand or structure. The reservation, ground, or public space occupied by any such stand or structure shall, within ten days after the end of the meeting period, be restored to its previous condition. The corporation shall indemnify and save harmless the District of Columbia and the appropriate agency or agencies of the Federal Government against any loss or damage to such property and against any liability arising from the use of such property, either by the corporation or a licensee of the corporation.

Lighting, public
places.
Conditions.

SEC. 5. The Commissioners are authorized to permit the corporation to install suitable overhead conductors and install suitable lighting or other electrical facilities, with adequate supports, for illumination or other purposes. If it should be necessary to place wires for illuminating or other purposes over any park, reservation, or highway in the District of Columbia, such placing of wires and their removal shall be under the supervision of the official in charge of said park, reservation, or highway. Such conductors with their supports shall be removed within five days after the end of the meeting period. The Commissioners, or such other officials as may have jurisdiction in the premises, shall enforce the provisions of this joint resolution, take needful precautions for the protection of the public, and insure that the pavement of any street, sidewalk, avenue, or alley which is disturbed or damaged is restored to its previous condition. No expense or damage from the installation, operation, or removal of said temporary overhead conductors or said illumination or other electrical facilities shall be incurred by the United States or the District of Columbia, and the corporation shall indemnify and save harmless the District of Columbia and the appropriate agency or agencies of the Federal Government against any loss or damage and against any liability whatsoever arising from any act of the corporation or any agent, licensee, servant, or employee of the corporation.

Equipment,
loans.
Authorization
and conditions.

SEC. 6. The Secretary of Defense is authorized to lend to the corporation such hospital tents, smaller tents, camp appliances, hospital furniture, ensigns, flags, ambulances, drivers, stretchers, and Red Cross flags and poles (except battle flags) as may be spared without detriment to the public service, and under such conditions as he may prescribe. Such loan shall be returned within five days after the end of the meeting period, the corporation shall indemnify the Government for any loss or damage to any such property, and no expense shall be incurred by the United States Government for the delivery, return, rehabilitation, replacement, or operation of such equipment. The corporation shall give a good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States.

SEC. 7. The Commissioners, the Secretary of the Interior, and the corporation are authorized to permit electric lighting, telegraph, telephone, radio broadcasting, and television companies to extend overhead wires to such points along and across the line of any parade as shall be deemed convenient for use in connection with such parade and other meeting purposes. Such wires shall be removed within ten days after the conclusion of the meeting period.

Regulations.
Enforcement.

SEC. 8. The regulations and licenses authorized by this Act shall be in full force and effect only during the meeting period, but the expira-

tion of said period shall not prevent the arrest or trial of any person for any violation of such regulations committed during the time they were in force and effect. Such regulations shall be published in one or more of the daily newspapers published in the District of Columbia and no penalty prescribed for the violation of any such regulation shall be enforced until five days after such publication. Any person violating any regulation promulgated by the Commissioners under the authority of this Act shall be fined not more than \$100 or imprisoned for not more than thirty days. Each and every day a violation of any such regulation exists shall constitute a separate offense, and the penalty prescribed shall be applicable to each such separate offense.

Publication.

Violations.
Penalty.Indemnification.
Conditions.

SEC. 9. Whenever any provision of this Act requires the corporation to indemnify and save harmless the District of Columbia and the Federal Government or any agency thereof against loss, damage, or liability arising out of the acts of the corporation or its licensee, or to give bond to an agency of the Federal Government guaranteeing the safe return of property belonging to such agency, the requirements of any such provision shall be deemed satisfied upon the submission by the corporation to the Commissioners of the District of Columbia and the Secretary of the Interior on behalf of the several agencies of the Federal Government, of an insurance policy or bond, or both an insurance policy and bond, in such amount or amounts and subject to such terms and conditions, as the said officials in their discretion approve as being necessary to protect the interests of the respective governments.

SEC. 10. Nothing contained in this Act shall be applicable to the United States Capitol Buildings or Grounds or other properties under the jurisdiction of the Congress or any committee, commission, or officer thereof.

Capitol grounds.

Approved July 28, 1964.

Public Law 88-387

AN ACT

July 28, 1964
[H. R. 7499]

To authorize the Secretary of the Air Force or his designee to convey 0.25 acre of land to the city of Oroville, California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Air Force, or his designee, is authorized to convey by quitclaim deed and without consideration to the city of Oroville, California, all the right, title, and interest of the United States in and to the parcel of land consisting of 0.25 acre, more or less, and described as follows:

Oroville, Calif.
Conveyance.

That land formerly owned by the city of Oroville and located within that certain tract known as "Map of South Thermoletto", Butte County, State of California; said map having been filed in the office of the recorder of the county of Butte, State of California, April 11, 1889, in book 2 of maps, at page 176, more particularly described as follows:

Beginning at a point on the south boundary of lot 175 which point marks the junction of the south boundary of lot 175 and the northwesterly right-of-way of the Oroville-Willows Road, said point being described in a deed to the United States of America dated December 2, 1942, and recorded March 17, 1943, in volume 312 of official records, page 75; thence in a northeasterly direction along the northwesterly

right-of-way of the Oroville-Willows Road, 870 feet, more or less, to a 1½-inch pipe stamped "No. 5", said pipe being the true point of beginning. Thence from said true point of beginning 71.5 feet in a southwesterly direction along the northwesterly right-of-way of the Oroville-Willows Road; thence at right angles to said right-of-way in a northwesterly direction, 110.0 feet; thence at right angles in a northeasterly direction, 100.0 feet; thence at right angles in a southeasterly direction 110.0 feet, more or less, to the northwesterly right-of-way of the Oroville-Willows Road; thence in a southwesterly direction along said right-of-way 28.5 feet, more or less, to the point of beginning, containing 0.25 acre, more or less.

Approved July 28, 1964.

Public Law 88-388

July 28, 1964
[H. R. 7248]

AN ACT

To change the designated use of certain real property conveyed by the Department of the Air Force to the city of Fort Walton Beach, Florida, under the terms of Public Law 86-194.

Ft. Walton
Beach, Fla.
Conveyance, ad-
justment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 25, 1959 (73 Stat. 423), is amended by substituting for the words "recreational purposes" wherever they occur, the words "recreation and educational purposes".

SEC. 2. The Secretary of the Air Force shall issue such written instruments as may be necessary to bring the conveyance authorized by the Act of August 25, 1959 (73 Stat. 423), into conformity with the amendment made by the first section of this Act.

Approved July 28, 1964.

Public Law 88-389

July 28, 1964
[H. R. 6299]

AN ACT

To authorize the Secretary of the Navy, to produce and sell crude oil from the Umiat field, Naval Petroleum Reserve Numbered 4, for the purpose of making local fuel available for use in connection with the drilling, mechanical, and heating operations of those involved in oil and gas exploration and development work in the nearby areas outside Naval Petroleum Reserve Numbered 4, and for other purposes.

Navy.
Crude oil, sale.
76 Stat. 904.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, until January 1, 1969, the Secretary of the Navy may, under subsection (a) of section 7422 of title 10, United States Code, produce and sell petroleum from the Umiat field, Naval Petroleum Reserve Numbered 4, for the purpose of aiding petroleum exploration and development in the nearby areas outside Naval Petroleum Reserve Numbered 4.

Approved July 28, 1964.

Public Law 88-390

AN ACT

To authorize certain construction at military installations, and for other purposes.

August 1, 1964
[H. R. 10300]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Military Construction Authorization Act, 1965.

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparations, appurtenances, utilities, and equipment for the following projects:

Army.

INSIDE THE UNITED STATES

CONTINENTAL ARMY COMMAND

(First Army)

Fort Devens, Massachusetts: Community facilities, \$681,000.

Fort Dix, New Jersey: Hospital facilities, and troop housing, \$16,225,000.

Fort Hamilton, New York: Utilities, \$118,000.

(Second Army)

Fort Belvoir, Virginia: Operational and training facilities, administrative facilities, troop housing and utilities, \$3,564,000.

Carlisle Barracks, Pennsylvania: Operational and training facilities, and troop housing, \$5,244,000.

Fort Knox, Kentucky: Troop housing and utilities, \$7,778,000.

Fort Lee, Virginia: Training facilities, \$2,900,000.

Fort George G. Meade, Maryland: Troop housing and community facilities, and utilities, \$2,084,000.

Fort Ritchie, Maryland: Operational facilities, \$1,600,000.

(Third Army)

Fort Benning, Georgia: Operational facilities, and administrative facilities, \$5,452,000.

Fort Bragg, North Carolina: Troop housing and community facilities, \$5,655,000.

Fort Gordon, Georgia: Training facilities, and troop housing, \$13,968,000.

Fort Jackson, South Carolina: Training facilities, and troop housing, \$15,383,000.

Fort Rucker, Alabama: Training facilities, and troop housing, \$2,994,000.

Fort Stewart, Georgia: Training facilities, and maintenance facilities, \$627,000.

(Fourth Army)

Fort Bliss, Texas: Operational facilities, community facilities, and utilities, \$721,000.

Fort Hood, Texas: Maintenance facilities, supply facilities, and troop housing, \$11,726,000.

Fort Sam Houston, Texas: Administrative facilities, \$396,000.

Fort Polk, Louisiana: Troop housing, \$627,000.

Fort Sill, Oklahoma: Maintenance facilities, supply facilities, troop housing and utilities, \$3,207,000.

(Fifth Army)

Fort Carson, Colorado: Maintenance facilities, supply facilities, troop housing, and real estate, \$18,256,000.

Fort Benjamin Harrison, Indiana: Troop housing, \$1,652,000.

Fort Leavenworth, Kansas: Administrative facilities, \$352,000.

Fort Riley, Kansas: Maintenance facilities, medical facilities, troop housing, and real estate, \$18,692,000.

Fort Sheridan, Illinois: Medical facilities, administrative facilities, and utilities, \$5,544,000.

Fort Leonard Wood, Missouri: Training facilities, maintenance facilities, medical facilities, troop housing, and community facilities, \$16,679,000.

(Sixth Army)

Fort Irwin, California: Troop housing, \$2,643,000.

Fort Lewis, Washington: Training facilities, maintenance facilities, and troop housing, \$1,906,000.

Presidio of Monterey, California: Training facilities, \$194,000.

Fort Ord, California: Troop housing, \$777,000.

Presidio of San Francisco, California: Utilities, \$283,000.

Yakima Training Center, Washington: Training facilities, \$303,000.

(Military District of Washington, District of Columbia)

Fort McNair, District of Columbia: Training facilities, \$1,550,000.

Fort Myer, Virginia: Medical facilities, and troop housing, \$1,052,000.

UNITED STATES ARMY MATERIEL COMMAND

(United States Army Missile Command)

Redstone Arsenal, Alabama: Research, development and test facilities, and utilities, \$2,389,000.

(United States Army Munitions Command)

Edgewood Arsenal, Maryland: Research, development and test facilities, and medical facilities, \$6,843,000.

Picatinny Arsenal, New Jersey: Production facilities, \$365,000.

Rocky Mountain Arsenal, Colorado: Administrative facilities, \$29,000.

(United States Army Supply and Maintenance Command)

Aeronautical Maintenance Center, Texas: Maintenance facilities, \$888,000.

Letterkenny Army Depot, Pennsylvania: Utilities, \$43,000.

Oakland Army Terminal, California: Operational facilities, administrative facilities, and utilities, \$1,117,000.

Savanna Army Depot, Illinois: Supply facilities, \$446,000.

Sierra Army Depot, California: Maintenance facilities, \$590,000.

Sunny Point Army Terminal, North Carolina: Utilities, \$131,000.

(United States Army Test and Evaluation Command)

Aberdeen Proving Ground, Maryland: Operational facilities, research, development and test facilities, \$784,000.

Fort Huachuca, Arizona: Hospital facilities, and utilities, \$4,635,000.

White Sands Missile Range, New Mexico: Research, development and test facilities, \$2,685,000.

(United States Army Weapons Command)

Watervliet Arsenal, New York: Utilities, \$77,000.

TECHNICAL SERVICES FACILITIES

(Signal Corps)

East Coast Radio Receiving Station, La Plata, Maryland: Utilities, \$93,000.

East Coast Relay Station, Frederick, Maryland: Troop housing, \$257,000.

Army Pictorial Center, New York: Operational facilities and production facilities, \$1,120,000.

West Coast Radio Receiving Station, Santa Rosa, California: Utilities, \$76,000.

(Medical Service)

Brooke Army Medical Center, Texas: Operational facilities, \$104,000.

Letterman General Hospital, California: Hospital facilities, \$14,305,000.

Walter Reed Army Medical Center, District of Columbia: Training facilities, and utilities, \$1,019,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York: Operational and training facilities, administrative facilities, cadet housing, community facilities and utilities, \$20,578,000.

ARMY SECURITY AGENCY

Two Rock Ranch Station, California: Operational facilities, \$1,014,000.

Vint Hill Farms Station, Virginia: Operational facilities, \$997,000.

ARMY COMPONENT COMMANDS

(United States Army Air Defense Command)

Various locations: Operational facilities and troop housing, \$646,000.

(Alaska Command Area)

Fort Richardson, Alaska: Operational facilities, maintenance facilities, and administrative facilities, \$767,000.

Fort J. M. Wainwright, Alaska: Maintenance facilities, troop housing, and utilities, \$743,000.

(Pacific Command Area)

Aliamanu Military Reservation, Hawaii: Utilities, \$247,000.

Schofield Barracks, Hawaii: Operational facilities, maintenance facilities, and administrative facilities, \$3,235,000.

Fort Shafter, Hawaii: Administrative facilities and utilities, \$1,370,000.

Tripler Army Hospital, Hawaii: Medical facilities, \$100,000.

OUTSIDE THE UNITED STATES

ARMY MATERIEL COMMAND

(United States Army Missile Command)

Kwajalein Island: Research, development and test facilities, hospital facilities, and troop housing, \$32,119,000.

ARMY SECURITY AGENCY

Various locations: Operational facilities, \$5,662,000.

ARMY COMPONENT COMMAND

(Pacific Command Area)

Korea: Operational facilities, maintenance facilities, supply facilities, troop housing and utilities, \$8,509,000.

Okinawa, various: Utilities, \$1,064,000.

Taiwan: Utilities, \$26,000.

(European Command Area)

Germany: Operational facilities, and maintenance facilities, \$3,252,000.

(United States Army Forces Southern Command)

Fort Kobbe, Canal Zone: Troop housing, \$343,000.

Quarry Heights, Canal Zone: Utilities, \$86,000.

Construction for
unforeseen re-
quirements.

SEC. 102. Any of the authority in title I of this Act may be utilized for the establishment or development of Army installations and facilities made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interest of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment: *Provided*, That the total cost of projects constructed under this section shall not exceed \$17,500,000: *And provided further*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1965, except for those

Limitation.
Notification of
congressional
committees.

public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 103. (a) Public Law 88-174 is amended under heading "Inside the United States" in section 101, as follows:

77 Stat. 309.

(1) Under the heading "ARMY COMPONENT COMMANDS" and under the subheading "PACIFIC COMMAND AREA", with respect to "Fort Shafter, Hawaii", strike out "\$74,000" and insert in place thereof "\$91,000".

(b) Public Law 88-174 is amended by striking out in clause (1) of section 602 "\$154,976,000", and "\$199,633,000" and inserting in place thereof "\$154,993,000", and "\$199,650,000", respectively.

77 Stat. 327.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment for the following projects:

Navy.

INSIDE THE UNITED STATES

BUREAU OF SHIPS FACILITIES

(Naval Shipyards)

Naval Shipyard, Charleston, South Carolina: Maintenance facilities, administrative facilities, and utilities, \$1,675,000.

Naval Shipyard, Pearl Harbor, Oahu, Hawaii: Operational facilities, and utilities, \$1,171,000.

Naval Shipyard, Portsmouth, New Hampshire: Maintenance facilities and utilities, \$4,760,000.

(Fleet Support Stations)

Naval Facility, Cape Hatteras, North Carolina: Utilities, \$36,000.

Naval Facility, Nantucket, Massachusetts: Community facilities, \$162,000.

Naval Submarine Base, New London, Connecticut: Operational facilities, administrative facilities, and troop housing and community facilities, \$4,641,000.

Headquarters, Commander-in-Chief, Atlantic Fleet, Norfolk, Virginia: Administrative facilities, and troop housing, \$1,550,000.

(Research, Development, Test, and Evaluation Stations)

Navy Marine Engineering Laboratory, Annapolis, Maryland: Utilities, \$356,000.

David Taylor Model Basin, Carderock, Maryland: Research, development and test facilities, \$3,811,000.

Navy Mine Defense Laboratory, Panama City, Florida: Utilities, \$150,000.

Navy Electronics Laboratory, San Diego, California: Operational facilities, \$1,196,000.

Naval Radiological Defense Laboratory, San Francisco, California: Research, development and test facilities, \$793,000.

FLEET BASE FACILITIES

Naval Station, Boston, Massachusetts: Troop housing, \$260,000.
Naval Station, Charleston, South Carolina: Operational facilities, and community facilities, \$2,509,000.
Naval Command System Support Activity, District of Columbia: Administrative facilities, \$1,516,000.
Naval Station, Key West, Florida: Operational facilities, \$428,000.
Naval Station, Long Beach, California: Troop housing and community facilities, \$3,054,000.
Naval Station, Newport, Rhode Island: Operational facilities, and troop housing, \$1,761,000.
Naval Station, Norfolk, Virginia: Operational facilities, \$242,000.
Naval Station, Pearl Harbor, Oahu, Hawaii: Troop housing and community facilities, \$2,775,000.
Naval Station, San Diego, California: Operational facilities, supply facilities, and troop housing, \$1,320,000.

NAVAL WEAPONS FACILITIES

(Naval Air Training Stations)

Naval Auxiliary Air Station, Chase Field, Texas: Operational facilities, \$268,000.
Naval Auxiliary Air Station, Kingsville, Texas: Operational facilities, \$149,000.
Naval Air Station, Memphis, Tennessee: Utilities, \$594,000.
Naval Auxiliary Air Station, Meridian, Mississippi: Operational and training facilities, \$106,000.
Naval Air Station, Pensacola, Florida: Operational facilities, and maintenance facilities, \$4,788,000.
Naval Auxiliary Air Station, Whiting Field, Florida: Operational facilities, \$166,000.

(Field Support Stations)

Naval Station, Adak, Alaska: Operational facilities, community facilities, and utilities and ground improvements, \$2,676,000.
Naval Air Station, Alameda, California: Utilities, \$406,000.
Naval Air Station, Barbers Point, Oahu, Hawaii: Operational facilities, maintenance facilities, supply facilities, and community facilities, \$3,372,000.
Naval Air Station, Brunswick, Maine: Maintenance facilities, and community facilities, \$596,000.
Naval Air Station, Cecil Field, Florida: Operational and training facilities, maintenance facilities, troop housing and community facilities, \$4,818,000.
Naval Air Facility, El Centro, California: Troop housing, \$329,000.
Naval Auxiliary Air Station, Fallon, Nevada: Operational facilities, and medical facilities, \$819,000.
Naval Air Station, Jacksonville, Florida: Operational and training facilities, and utilities, \$1,445,000.
Naval Air Station, Key West, Florida: Operational facilities, \$617,000.
Naval Station, Mayport, Florida: Operational facilities, community facilities, and ground improvements, \$466,000.
Naval Air Station, Miramar, California: Operational and training facilities, and community facilities, \$2,916,000.
Naval Air Station, Norfolk, Virginia: Operational facilities, \$103,000.

Naval Air Station, North Island, California: Maintenance facilities, \$350,000.

Naval Air Station, Oceana, Virginia: Training facilities, and maintenance facilities, \$906,000.

Naval Air Station, Quonset Point, Rhode Island: Operational facilities, and maintenance facilities, \$870,000.

Naval Auxiliary Air Station, Ream Field, California: Operational facilities, \$1,693,000.

Naval Auxiliary Landing Field, San Clemente Island, California: Troop housing, \$176,000.

Naval Air Station, Sanford, Florida: Maintenance facilities, and utilities, \$866,000.

Naval Air Station, Whidbey Island, Washington: Operational facilities, \$459,000.

(Marine Corps Air Stations)

Marine Corps Air Station, Beaufort, South Carolina: Operational facilities and maintenance facilities, \$152,000.

Marine Corps Auxiliary Landing Field, Camp Pendleton, California: Operational and training facilities, \$150,000.

Marine Corps Air Station, Cherry Point, North Carolina: Operational and training facilities, maintenance facilities, supply facilities, administrative facilities, and utilities and ground improvements, \$3,076,000.

Marine Corps Air Station, El Toro, California: Operational and training facilities, and maintenance facilities, \$1,746,000.

Marine Corps Air Station, Kaneohe Bay, Oahu, Hawaii: Operational facilities, \$344,000.

Marine Corps Air Facility, New River, North Carolina: Operational and training facilities, \$326,000.

Marine Corps Air Facility, Santa Ana, California: Operational and training facilities and maintenance facilities, \$1,414,000.

Marine Corps Air Station, Yuma, Arizona: Operational facilities, and maintenance facilities, \$2,087,000.

(Fleet Readiness Stations)

Naval Weapons Station, Concord, California: Operational facilities, community facilities, and utilities, \$720,000.

Naval Photographic Center, District of Columbia: Operational facilities, \$490,000.

Naval Propellant Plant, Indian Head, Maryland: Utilities, \$1,106,000.

(Research, Development, Test and Evaluation Stations)

Naval Weapons Evaluation Facility, Albuquerque, New Mexico: Research, development and test facilities, \$340,000.

Naval Ordnance Test Station, China Lake, California: Research, development and test facilities, \$1,080,000.

Naval Parachute Facility, El Centro, California: Research, development and test facilities, and real estate, \$2,540,000.

Naval Air Development Center, Johnsville, Pennsylvania: Utilities, \$340,000.

Naval Air Test Center, Patuxent River, Maryland: Operational facilities, and hospital and medical facilities, \$2,453,000.

Pacific Missile Range, Point Mugu, California: Operational facilities, maintenance facilities, and research, development and test facilities; and on San Nicolas Island, research, development and test facilities, and supply facilities, \$1,988,000.

SUPPLY FACILITIES

Naval Supply Center, Charleston, South Carolina: Supply facilities, \$455,000.

Naval Supply Center, Oakland, California: Administrative facilities, \$590,000.

Naval Supply Depot, Philadelphia, Pennsylvania: Utilities, \$668,000.

MARINE CORPS FACILITIES

Marine Corps Supply Center, Albany, Georgia: Maintenance facilities, community facilities, and utilities, \$144,000.

Marine Corps Supply Center, Barstow, California: Community facilities, \$213,000.

Marine Corps Base, Camp Lejeune, North Carolina: Utilities, \$277,000.

Marine Corps Base, Camp Pendleton, California: Operational and training facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, troop housing and community facilities, and utilities and ground improvements, \$5,143,000.

Marine Barracks, Pearl Harbor, Oahu, Hawaii: Training facilities, \$198,000.

Marine Corps Base, Twenty-nine Palms, California: Supply facilities, and troop housing, \$527,000.

SERVICE SCHOOL FACILITIES

Naval Academy, Annapolis, Maryland: Maintenance facilities, utilities and ground improvements, and real estate, \$1,498,000.

Naval Training Center, Bainbridge, Maryland: Troop housing, \$1,091,000.

Fleet Anti-Air Warfare Training Center, Dam Neck, Virginia: Supply facilities, \$448,000.

Naval Station, District of Columbia: Community facilities, \$338,000.

Naval Training Center, Great Lakes, Illinois: Troop housing, and utilities and ground improvements, \$13,661,000.

Naval Amphibious Base, Little Creek, Virginia: Training facilities, \$323,000.

Fleet Training Center, Mayport, Florida: Training facilities, \$587,000.

Naval Postgraduate School, Monterey, California: Troop housing, \$330,000.

Fleet Training Center, Newport, Rhode Island: Operational and training facilities, \$2,011,000.

Naval War College, Newport, Rhode Island: Training facilities, \$335,000.

Officer Candidate School, Newport, Rhode Island: Troop housing, \$2,600,000.

Fleet Training Center, Norfolk, Virginia: Training facilities, \$116,000.

Fleet Anti-Submarine Warfare School, San Diego, California: Troop housing, \$534,000.

Naval Training Center, San Diego, California: Troop housing, \$2,760,000.

MEDICAL FACILITIES

Naval Hospital, Great Lakes, Illinois: Troop housing, \$589,000.

Naval Hospital, Jacksonville, Florida: Hospital and medical facilities, \$7,400,000.

Naval Hospital, Oakland, California: Hospital and medical facilities, \$14,500,000.

COMMUNICATIONS FACILITIES

(Communications Stations)

Naval Communications Station, Adak, Alaska: Utilities and ground improvements, \$150,000.

Naval Radio Station, Buskin Lake, Kodiak, Alaska: Utilities, \$80,000.

Naval Radio Station, Dixon, California: Community facilities, \$135,000.

Naval Radio Station, Driver, Virginia: Operational facilities, \$217,000.

Naval Communications Station, Newport, Rhode Island: Operational facilities, and real estate, \$1,593,000.

Naval Communication Station, Norfolk, Virginia: Operational facilities, \$350,000.

Naval Communication Station, Wahiawa, Oahu, Hawaii: Operational facilities, and troop housing, \$1,279,000.

Various locations: Utilities, \$3,111,000.

(Security Group Stations)

Naval Security Group Department, Newport, Rhode Island: Administrative facilities, \$275,000.

Naval Security Group Department, Norfolk, Virginia: Administrative facilities, \$449,000.

Naval Security Group Department, Northwest, Virginia: Troop housing and community facilities, \$385,000.

Naval Security Group Department, San Diego, California: Administrative facilities, \$276,000.

Naval Security Group Activity, Skaggs Island, California: Troop housing, and utilities, \$1,490,000.

Naval Security Group Activity, Winter Harbor, Maine: Troop housing, \$237,000.

OFFICE OF NAVAL RESEARCH FACILITIES

Naval Research Laboratory, District of Columbia: Research, development and test facilities, \$5,628,000.

Naval Training Device Center, Mitchel Field, New York: Research, development and test facilities, \$550,000.

YARDS AND DOCKS FACILITIES

Navy Public Works Center, Norfolk, Virginia: Utilities, \$1,866,000.

Navy Public Works Center, Pearl Harbor, Oahu, Hawaii: Maintenance facilities, \$130,000.

Naval Construction Battalion Center, Port Hueneme, California: Utilities, \$228,000.

OUTSIDE THE UNITED STATES

BUREAU OF SHIPS FACILITIES

Atlantic Undersea Test and Evaluation Center, Andros Island, Bahama Islands: Operational facilities, maintenance facilities, supply facilities, medical facilities, troop housing and community facilities, and utilities and ground improvements, \$4,882,000.

Naval Station, Subic Bay, Republic of the Philippines: Community facilities, \$403,000.

Fleet activities, Yokosuka, Japan: Utilities, \$198,000.

NAVAL WEAPONS FACILITIES

Naval Station, Argentia, Newfoundland, Canada: Operational facilities, and supply facilities, \$289,000.

Naval Air Station, Atsugi, Japan: Operational facilities, \$101,000.

Marine Corps Air Facility, Futema, Okinawa: Medical facilities, \$76,000.

Marine Corps Air Station, Iwakuni, Japan: Operational facilities, and maintenance facilities, \$1,210,000.

Naval Station, Keflavik, Iceland: Operational facilities, and community facilities, \$1,906,000.

Naval Station, Midway Islands: Utilities, \$743,000.

Naval Air Facility, Naha, Okinawa: Training facilities, and maintenance facilities, \$297,000.

Naval Air Facility, Naples, Italy: Operational facilities and troop housing, \$793,000.

Naval Station, Roosevelt Roads, Puerto Rico: Operational facilities, maintenance facilities, and utilities, \$10,403,000.

Naval Station, Rota, Spain: Supply facilities, hospital and medical facilities, and troop housing, \$718,000.

Fleet Activities, Ryukyus, Okinawa: Community facilities, \$278,000.

MARINE CORPS FACILITIES

Camp Smedley D. Butler, Okinawa: Maintenance facilities, supply facilities, administrative facilities, and troop housing, \$2,455,000.

COMMUNICATION FACILITIES

Naval Radio Station, Fort Allen, Puerto Rico: Operational facilities, \$292,000.

Naval Security Group Activity, Futema, Okinawa: Operational facilities, \$90,000.

Naval Security Group Activity, Galeta Island, Canal Zone: Troop housing, \$225,000.

Naval Radio Station, Isabela, Puerto Rico: Operational facilities, \$106,000.

Naval Communication Station, Londonderry, North Ireland: Operational facilities, \$1,100,000.

Naval Communication Station, Sabana Seca, Puerto Rico: Maintenance facilities, and utilities, \$195,000.

Naval Communication Station, San Miguel, Republic of the Philippines: Community facilities, and utilities, \$466,000.

Various locations: Utilities, \$3,398,000.

YARDS AND DOCKS FACILITIES

Navy Public Works Center, Guam, Mariana Islands: Utilities, \$112,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines: Utilities, \$463,000.

SEC. 202. The Secretary of the Navy may establish or develop classified naval installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of \$34,203,000.

Classified installations.

SEC. 203. Any of the authority in title II of this Act may be utilized for the establishment or development of Navy installations and facilities made necessary by changes in Navy missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment: *Provided*, That the total cost of projects constructed under this section shall not exceed \$17,500,000: *And provided further*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1965, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Construction for unforeseen requirements.

Limitation.

Notification of congressional committees.

SEC. 204. (a) Public Law 88-174 is amended in section 201 under the heading "INSIDE THE UNITED STATES" and subheading "SERVICE SCHOOL FACILITIES", with respect to the Naval Training Center, Bainbridge, Maryland, by striking out "\$70,000", and inserting in place thereof "\$108,000".

77 Stat. 311, 314.

(b) Public Law 88-174 is amended by striking out in clause (2) of section 602, the amounts "\$115,563,000" and "\$202,462,000", and inserting respectively in place thereof "\$115,601,000" and "\$202,500,000".

77 Stat. 327.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment, for the following projects:

Air Force.

INSIDE THE UNITED STATES

AIR DEFENSE COMMAND

Ent Air Force Base, Colorado Springs, Colorado: Operational facilities, and troop housing and community facilities, \$1,035,000.

Hamilton Air Force Base, San Rafael, California: Maintenance facilities, \$112,000.

Kincheloe Air Force Base, Sault Sainte Marie, Michigan: Operational facilities, maintenance facilities, and community facilities, \$1,470,000.

Perrin Air Force Base, Sherman, Texas: Troop housing, \$233,000.

Portland International Airport, Portland, Oregon: Community facilities, \$145,000.

Richards-Gebaur Air Force Base, Kansas City, Missouri: Operational facilities, and supply facilities, \$380,000.

Selfridge Air Force Base, Mount Clemens, Michigan: Operational facilities, and maintenance facilities, \$299,000.

Stewart Air Force Base, Newburgh, New York: Troop housing, \$40,000.

Truax Field, Madison, Wisconsin: Operational facilities, \$102,000.

Tyndall Air Force Base, Panama City, Florida: Hospital facilities, \$2,746,000.

AIR FORCE LOGISTICS COMMAND

Brookley Air Force Base, Mobile, Alabama: Administrative facilities, \$1,300,000.

Hill Air Force Base, Ogden, Utah: Maintenance facilities, administrative facilities, and community facilities, \$2,108,000.

Kelly Air Force Base, San Antonio, Texas: Maintenance facilities, supply facilities, administrative facilities, and troop housing, \$1,085,000.

Marietta Air Force Station, Marietta, Pennsylvania: Supply facilities, \$273,000.

McClellan Air Force Base, Sacramento, California: Operational facilities, maintenance facilities, medical facilities, and administrative facilities, \$2,045,000.

Newark Air Force Station, Newark, Ohio: Maintenance facilities and administrative facilities, \$3,269,000.

Norton Air Force Base, San Bernardino, California: Operational facilities, medical facilities, and troop housing, \$2,146,000.

Olmsted Air Force Base, Middletown, Pennsylvania: Maintenance facilities, administrative facilities, and community facilities, \$2,969,000.

Robins Air Force Base, Macon, Georgia: Maintenance facilities, supply facilities, and hospital facilities, \$4,454,000.

Tinker Air Force Base, Oklahoma City, Oklahoma: Operational facilities, maintenance facilities, and administrative facilities, \$3,084,000.

Wright-Patterson Air Force Base, Dayton, Ohio: Operational facilities, research, development, and test facilities, and administrative facilities, \$5,948,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee: Research, development and test facilities, and supply facilities, \$883,000.

Brooks Air Force Base, San Antonio, Texas: Research, development, and test facilities, and troop housing, \$843,000.

Edwards Air Force Base, Muroc, California: Research, development, and test facilities, and medical facilities, \$6,065,000.

Eglin Air Force Base, Valparaiso, Florida: Operational and training facilities, maintenance facilities, administrative facilities, and troop housing, \$1,586,000.

Holloman Air Force Base, Alamogordo, New Mexico: Operational facilities, supply facilities, hospital facilities, community facilities, and utilities, \$5,047,000.

Kirtland Air Force Base, Albuquerque, New Mexico: Maintenance facilities, \$337,000.

Laurence G. Hanscom Field, Bedford, Massachusetts: Troop housing, \$365,000.

Patrick Air Force Base, Cocoa, Florida: Operational facilities, maintenance facilities, research, development, and test facilities, administrative facilities, troop housing, and utilities, \$3,300,000.

Various locations, Atlantic Missile Range: Operational facilities, maintenance facilities, troop housing, utilities, and real estate, \$1,854,000.

AIR TRAINING COMMAND

Amarillo Air Force Base, Amarillo, Texas: Operational and training facilities, maintenance facilities, troop housing and community facilities, and real estate, \$4,354,000.

Chanute Air Force Base, Rantoul, Illinois: Maintenance facilities, and troop housing, \$394,000.

Craig Air Force Base, Selma, Alabama: Operational facilities, maintenance facilities, and real estate, \$3,427,000.

James Connally Air Force Base, Waco, Texas: Administrative facilities, and utilities, \$215,000.

Keesler Air Force Base, Biloxi, Mississippi: Troop housing, and utilities, \$1,040,000.

Lackland Air Force Base, San Antonio, Texas: Training facilities, and troop housing, \$1,288,000.

Laredo Air Force Base, Laredo, Texas: Operational and training facilities, maintenance facilities, supply facilities, administrative facilities and troop housing and community facilities, \$4,599,000.

Laughlin Air Force Base, Del Rio, Texas: Operational and training facilities, maintenance facilities, and troop housing, \$1,550,000.

Lowry Air Force Base, Denver, Colorado: Training facilities, \$132,000.

Mather Air Force Base, Sacramento, California: Maintenance facilities, \$161,000.

Moody Air Force Base, Valdosta, Georgia: Operational facilities, maintenance facilities, hospital facilities, and troop housing and community facilities, \$3,763,000.

Randolph Air Force Base, San Antonio, Texas: Operational facilities, maintenance facilities, and utilities, \$888,000.

Sheppard Air Force Base, Wichita Falls, Texas: Training facilities, maintenance facilities, supply facilities, administrative facilities, and utilities, \$1,191,000.

Vance Air Force Base, Enid, Oklahoma: Maintenance facilities, and real estate, \$475,000.

Webb Air Force Base, Big Spring, Texas: Operational facilities, and community facilities, \$379,000.

AIR UNIVERSITY

Gunter Air Force Base, Montgomery, Alabama: Troop housing, \$125,000.

Maxwell Air Force Base, Montgomery, Alabama: Community facilities, \$239,000.

AERONAUTICAL CHART AND INFORMATION CENTER

South Saint Louis Storage Annex, Saint Louis, Missouri: Supply facilities, and administrative facilities, \$1,271,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska: Operational facilities, and utilities, \$1,389,000.

Elmendorf Air Force Base, Anchorage, Alaska: Operational facilities, maintenance facilities, and utilities, \$1,310,000.

Galena Airport, Galena, Alaska: Maintenance facilities, and community facilities, \$406,000.

King Salmon Airport, Naknek, Alaska: Operational facilities, \$189,000.

Various locations: Maintenance facilities, supply facilities, community facilities, and utilities, \$2,545,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland: Operational and training facilities, hospital facilities, troop housing, and utilities, \$5,597,000.

Bolling Air Force Base, Washington, District of Columbia: Administrative facilities, troop housing and community facilities, and utilities, \$4,353,000.

MILITARY AIR TRANSPORT SERVICE

Charleston Air Force Base, Charleston, South Carolina: Maintenance facilities, and community facilities, \$159,000.

Dover Air Force Base, Dover, Delaware: Operational facilities, maintenance facilities, and community facilities, \$1,843,000.

McGuire Air Force Base, Wrightstown, New Jersey: Operational facilities, and community facilities, \$687,000.

Scott Air Force Base, Belleville, Illinois: Operational facilities, hospital facilities, and troop housing, \$3,137,000.

Travis Air Force Base, Fairfield, California: Maintenance facilities, \$261,000.

PACIFIC AIR FORCE

Hickam Air Force Base, Honolulu, Hawaii: Troop housing, \$625,000.

STRATEGIC AIR COMMAND

Altus Air Force Base, Altus, Oklahoma: Utilities, \$100,000.

Barksdale Air Force Base, Shreveport, Louisiana: Maintenance facilities, and troop housing, \$1,185,000.

Bergstrom Air Force Base, Austin, Texas: Maintenance facilities, and troop housing, \$231,000.

Blytheville Air Force Base, Blytheville, Arkansas: Maintenance facilities, and troop housing, \$136,000.

Carswell Air Force Base, Fort Worth, Texas: Maintenance facilities, \$348,000.

Columbus Air Force Base, Columbus, Mississippi: Maintenance facilities, administrative facilities, and troop housing and community facilities, \$616,000.

Dow Air Force Base, Bangor, Maine: Operational facilities, \$108,000.

Dyess Air Force Base, Abilene, Texas: Operational facilities, maintenance facilities, and troop housing, \$358,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming: Operational facilities, and maintenance facilities, \$715,000.

Glasgow Air Force Base, Glasgow, Montana: Operational facilities, and administrative facilities, \$223,000.

Grand Forks Air Force Base, Grand Forks, North Dakota: Operational facilities, supply facilities, troop housing and community facilities, and utilities, \$2,241,000.

Homestead Air Force Base, Homestead, Florida: Operational facilities, maintenance facilities, hospital facilities, and troop housing, \$3,021,000.

K. I. Sawyer Municipal Airport, Marquette, Michigan: Operational facilities, maintenance facilities, supply facilities, and utilities, \$499,000.

Larson Air Force Base, Moses Lake, Washington: Operational facilities, supply facilities, and community facilities, \$896,000.

Lincoln Air Force Base, Lincoln, Nebraska: Operational and training facilities, \$245,000.

Little Rock Air Force Base, Little Rock, Arkansas: Troop housing, \$422,000.

Lockbourne Air Force Base, Columbus, Ohio: Operational facilities, and maintenance facilities, \$505,000.

Loring Air Force Base, Limestone, Maine: Operational facilities, \$92,000.

March Air Force Base, Riverside, California: Real estate, \$32,000.

McCoy Air Force Base, Orlando, Florida: Operational facilities, maintenance facilities, and troop housing, \$641,000.

Minot Air Force Base, Minot, North Dakota: Operational facilities, medical facilities, and troop housing and community facilities, \$1,462,000.

Mountain Home Air Force Base, Mountain Home, Idaho: Maintenance facilities, \$381,000.

Offutt Air Force Base, Omaha, Nebraska: Operational facilities, troop housing and community facilities, and utilities, \$1,888,000.

Pease Air Force Base, Portsmouth, New Hampshire: Operational facilities, and maintenance facilities, \$163,000.

Plattsburgh Air Force Base, Plattsburgh, New York: Operational facilities, and maintenance facilities, \$297,000.

Schilling Air Force Base, Salina, Kansas: Maintenance facilities, \$152,000.

Turner Air Force Base, Albany, Georgia: Operational and training facilities, and maintenance facilities, \$617,000.

Vandenberg Air Force Base, Lompoc, California: Utilities, \$69,000.

Walker Air Force Base, Roswell, New Mexico: Maintenance facilities, \$51,000.

Wurtsmith Air Force Base, Oscoda, Michigan: Operational facilities, \$392,000.

TACTICAL AIR COMMAND

Cannon Air Force Base, Clovis, New Mexico: Operational and training facilities, maintenance facilities, supply facilities, and hospital facilities, \$5,809,000.

England Air Force Base, Alexandria, Louisiana: Training facilities, maintenance facilities, and administrative facilities, \$1,884,000.

George Air Force Base, Victorville, California: Operational facilities, maintenance facilities, supply facilities, troop housing, and utilities, \$2,294,000.

Langley Air Force Base, Hampton, Virginia: Maintenance facilities, administrative facilities, and community facilities, \$1,824,000.

Luke Air Force Base, Phoenix, Arizona: Administrative facilities, \$391,000.

MacDill Air Force Base, Tampa, Florida: Maintenance facilities, and supply facilities, \$583,000.

McConnell Air Force Base, Wichita, Kansas: Maintenance facilities, and utilities, \$2,743,000.

Myrtle Beach Air Force Base, Myrtle Beach, South Carolina: Troop housing, \$190,000.

Nellis Air Force Base, Las Vegas, Nevada: Operational facilities, and community facilities, \$2,297,000.

Pope Air Force Base, Fort Bragg, North Carolina: Operational facilities, administrative facilities, and troop housing and community facilities, \$2,032,000.

Sewart Air Force Base, Smyrna, Tennessee: Troop housing, \$162,000.

Seymour Johnson Air Force Base, Goldsboro, North Carolina: Operational facilities, supply facilities, and troop housing, \$361,000.

Shaw Air Force Base, Sumter, South Carolina: Operational and training facilities, maintenance facilities, hospital facilities, and troop housing, \$6,015,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado: Cadet housing, community facilities, and utilities, \$15,680,000.

AIRCRAFT CONTROL AND WARNING SYSTEM

Various locations: Maintenance facilities, troop housing, utilities, and real estate, \$1,062,000.

OUTSIDE THE UNITED STATES

AIR DEFENSE COMMAND

Various locations: Maintenance facilities, troop housing and community facilities, and utilities, \$906,000.

MILITARY AIR TRANSPORT SERVICE

Wake Island: Operational facilities and troop housing, \$496,000.

PACIFIC AIR FORCE

Various locations: Operational facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, troop housing and community facilities, and utilities, \$12,526,000.

STRATEGIC AIR COMMAND

Ramey Air Force Base, Puerto Rico: Maintenance facilities, and supply facilities, \$665,000.

UNITED STATES AIR FORCES IN EUROPE

Various locations: Operational facilities, maintenance facilities, supply facilities, troop housing and community facilities, and utilities, \$3,925,000.

UNITED STATES AIR FORCES SOUTHERN COMMAND

Howard Air Force Base, Canal Zone: Operational facilities, maintenance facilities, supply facilities, medical facilities, and utilities, \$2,842,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various locations: Operational facilities, maintenance facilities, supply facilities, medical facilities, troop housing and community facilities, and utilities, \$3,113,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of \$113,647,000.

Classified installations.

SEC. 303. Any of the authority in title III of this Act may be utilized for the establishment or development of Air Force installations and facilities made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment: *Provided*, That the total cost of projects constructed under this section shall not exceed \$17,500,000: *And provided further*, That the Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1965, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Construction for unforeseen requirements.

Limitation.

Notification of congressional committees.

SEC. 304. (a) Public Law 88-174 is amended in section 301 under the heading "INSIDE THE UNITED STATES," as follows:

77 Stat. 317-319.

(1) Under the subheading "AIR DEFENSE COMMAND," with respect to NORAD Headquarters, Colorado Springs, Colorado, by striking out "\$7,000,000" and inserting in place thereof "\$10,000,000".

(2) Under the subheading "STRATEGIC AIR COMMAND" with respect to Bunker Hill Air Force Base, Peru, Indiana, by striking out "\$168,000" and inserting in place thereof "\$250,000".

(3) Under the subheading "AIR TRAINING COMMAND," with respect to Amarillo Air Force Base, Amarillo, Texas, by striking out "\$3,985,000" and inserting in place thereof "\$4,158,000".

(b) Public Law 88-174 is amended by striking out in clause (3) of section 602 the amounts of "\$158,685,000" and "\$488,367,000" and inserting in place thereof "\$161,940,000" and "\$491,622,000" respectively.

77 Stat. 327.

TITLE IV

Defense
agencies.

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment, for defense agencies for the following projects:

DEFENSE ATOMIC SUPPORT AGENCY

Sandia Base, Albuquerque, New Mexico: Training facilities, and administrative facilities, \$2,636,000.

DEFENSE SUPPLY AGENCY

Defense Supply Agency, Alexandria, Virginia: Administrative facilities, and utilities, \$1,609,000.

Defense Clothing and Textile Supply Center, Philadelphia, Pennsylvania: Maintenance facilities, \$104,000.

Defense General Supply Center, Richmond, Virginia: Supply facilities, \$141,000.

Tracy Defense Depot, Tracy, California: Supply facilities, \$204,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland: Operational facilities, \$280,000.

Kent Island, Maryland: Real estate, \$31,000.

Classified in-
stallations.

SEC. 402. The Secretary of Defense may establish or develop classified installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of \$5,500,000.

TITLE V

MILITARY FAMILY HOUSING

Family housing
facilities.

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities, in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Administrator, Housing and Home Finance Agency, as to the availability of adequate private housing at such locations. If the Secretary and the Administrator are unable to reach agreement with respect to the availability of adequate private housing at any location, the Secretary shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

Notification of
congressional
committees.

(a) Family housing units for—

Army.

(1) The Department of the Army, two thousand one hundred and thirty-five units, \$38,346,000.

Fort Richardson, Alaska, one hundred units.

Fort Irwin, California, one hundred units.

Fort Ord, California, one hundred and fifty units.

Presidio of San Francisco, California, one hundred units.

Two Rock Ranch Station, California, forty units.
Fort Gordon, Georgia, three hundred units.
U.S. Army installations, Hawaii, one hundred units.
Fort Sheridan, Illinois, two hundred and fifty units.
Aberdeen Proving Ground, Maryland, one hundred units.
Fort Jackson, South Carolina, two hundred and fifty units.
Atlantic Side, Canal Zone, one hundred and forty units.
Pacific Side, Canal Zone, two hundred units.
Fort Buckner, Okinawa, two hundred units.
ASA Location 12, sixty units.
Classified location, forty-five units.

(2) The Department of the Navy, four thousand one hundred and fifty-six units, \$74,755,000. Navy.

Naval Station, Kodiak, Alaska, one hundred units.
Marine Corps Air Station, Yuma, Arizona, one hundred units.
Naval Air Station, Alameda, California, two hundred units.
Marine Corps Supply Center, Barstow, California, seventy-four units.
Marine Corps Base, Camp Pendleton, California, one hundred and forty units.
Marine Corps Air Station, El Toro, California, one hundred units.
Naval Station, Long Beach, California, four hundred units.
Naval Complex North Bay, San Francisco, California, one hundred units.
Naval Post Graduate School, Monterey, California, two hundred units.
Naval Base, San Francisco, California, three hundred units.
Naval Station, Washington, District of Columbia, one hundred and fifty units.
Naval Base, Key West, Florida, four hundred units.
United States Navy installations, Hawaii, three hundred and fifty units.
Naval Training Center, Great Lakes, Illinois, one hundred units.
Naval Air Station, Quonset Point, Rhode Island, two hundred units.
Naval Station, Charleston, South Carolina, one hundred units.
Marine Corps Recruit Depot, Parris Island, South Carolina, one unit.
Naval Station, Norfolk, Virginia, five hundred units.
Naval Shipyard, Bremerton, Washington, one hundred units.
Naval Security Group Activity, Galeta Island, Canal Zone, twenty-six units.
Naval Station, Roosevelt Roads, Puerto Rico, nine units.
Naval Communication Station, North West Cape, Australia, one hundred and thirty units.
Naval Station, Keflavik, Iceland, one hundred units.
Naval Facility, Antigua, the West Indies, thirty-eight units.
Naval Facility, Eleuthera, Bahamas, thirty-eight units.
Classified location, two hundred units.

Air Force.

(3) The Department of the Air Force, three thousand five hundred and ninety-five units, \$64,657,000.

Beale Air Force Base, California, three hundred and thirty-seven units.

George Air Force Base, California, five hundred units.

Bolling Air Force Base, District of Columbia, one hundred and fifty units.

Eglin Air Force Base, Florida, ninety units.

MacDill Air Force Base, Florida, twenty units.

Hunter Air Force Base, Georgia, one unit.

Moody Air Force Base, Georgia, one hundred units.

Robins Air Force Base, Georgia, one hundred units.

United States Air Force Installations, Hawaii, one hundred units.

Andrews Air Force Base, Maryland, one hundred and fifty units.

Offutt Air Force Base, Nebraska, two hundred and eighty-seven units.

Cannon Air Force Base, New Mexico, two hundred and fifty units.

Holloman Air Force Base, New Mexico, four hundred units.

Langley Air Force Base, Virginia, two hundred units.

McChord Air Force Base, Washington, one hundred and fifty units.

Goose Air Base, Canada, two hundred units.

Naha Air Base, Okinawa, two hundred units.

Site 4-S, one hundred and eighty units.

Site 6-S, one hundred units.

Site 10-C, eighty units.

(b) Trailer court facilities for:

(1) The Department of the Navy, 280 spaces, \$500,000.

(2) The Department of the Air Force, 358 spaces, \$529,000.

Cost limitations.

SEC. 502. Authorizations for the construction of family housing provided in this Act shall be subject to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The cost per unit of family housing constructed in the United States (other than Hawaii and Alaska) and Puerto Rico shall not exceed—

\$24,000 for generals or equivalent;

\$19,800 for colonels or equivalent;

\$17,600 for majors and/or lieutenant colonels or equivalent;

\$15,400 for all other commissioned or warrant officer personnel or equivalent, except that four-bedroom housing units authorized by sections 4774(g), 7574(e) and 9774(g) of title 10, United States Code, may be constructed at a cost not to exceed \$17,000.

\$13,200 for enlisted personnel, except that four-bedroom housing units authorized by sections 4774(f), 7574(d), and 9774(f) of title 10, United States Code, may be constructed at a cost not to exceed \$15,000.

(b) When family housing units are constructed in areas other than those listed in subsection (a), the average cost of all such units, in any project of 50 units or more, shall not exceed \$32,000, and in no event shall the cost of any unit exceed \$40,000.

(c) The cost limitations provided in subsections (a) and (b) shall be applied to the five-foot line.

that under the facts and circumstances that exist at the time of the selection of the construction agent, such selection will not result in any increased cost to the United States. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

Reports to
Congress.

SEC. 606. (a) As of October 1, 1965, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in Acts approved before November 8, 1963, and not superseded or otherwise modified by a later authorization, are repealed, except—

Repeals.

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

Exceptions.

(2) the authorization for public works projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before October 1, 1965, and authorizations for appropriations therefor;

(3) notwithstanding the provisions of section 606 of the Act of November 7, 1963 (77 Stat. 307, 328), the authorization for the following items, which shall remain in effect until October 1, 1966:

(a) operational facilities and utilities in the amount of \$3,105,000 at classified locations that is contained in title I, section 101, under the heading "OUTSIDE THE UNITED STATES" and subheading "ARMY COMPONENT COMMANDS (European Command Area)" of the Act of June 27, 1961 (75 Stat. 98);

(b) utilities in the amount of \$115,000 for Naval Magazine, Cartagena, Spain, that is contained in title II, section 201, under the heading "OUTSIDE THE UNITED STATES" and subheading "NAVAL WEAPONS FACILITIES" of the Act of June 27, 1961 (75 Stat. 102);

(c) troop housing in the amount of \$611,000 at Fort Benning, Georgia, that is contained in title I, section 101, under the heading "INSIDE THE UNITED STATES", and subheading "CONTINENTAL ARMY COMMAND (Third Army)" of the Act of July 27, 1962 (76 Stat. 223);

(d) administrative facilities in the amount of \$833,000 at Fort Bragg, North Carolina, that is contained in title I, section 101, under the heading "INSIDE THE UNITED STATES", and subheading "CONTINENTAL ARMY COMMAND (Third Army)" of the Act of July 27, 1962 (76 Stat. 223);

(e) maintenance facilities in the amount of \$212,000 in Germany, that is contained in title I, section 101, under the heading "OUTSIDE THE UNITED STATES" and subheading "ARMY COMPONENT COMMANDS (European Command Area)" of the Act of July 27, 1962 (76 Stat. 225);

(f) operational facilities, administrative facilities, troop housing and utilities in the amount of \$3,705,000 at classified locations that is contained in title I, section 101, under the heading "OUTSIDE THE UNITED STATES" and subheading "ARMY COMPONENT COMMANDS (European Command Area)" of the Act of July 27, 1962 (76 Stat. 225);

(g) troop housing in the amount of \$383,000 at Fort Meade, Maryland, that is contained in title I, section 101, under the heading "INSIDE THE UNITED STATES" and subheading "CONTINENTAL ARMY COMMAND (Second Army)" of the Act of July 27, 1962 (76 Stat. 223);

(h) troop housing in the amount of \$679,000 for Marine Corps Air Facility, Iwakuni, Japan, that is contained in title II, section 201, under the heading "OUTSIDE THE UNITED STATES" and subheading "NAVAL WEAPONS FACILITIES" of the Act of July 27, 1962 (76 Stat. 229);

(i) community facilities in the amount of \$476,000 for the Naval Air Station, Lemoore, California, that is contained in title II, section 201, under the heading "NAVAL WEAPONS FACILITIES (Field Support Stations)" of the Act of July 27, 1962 (76 Stat. 228);

(j) community facilities in the amount of \$189,000 for the Naval Ammunition Depot, Concord, California, that is contained in title II, section 201, under the heading "NAVAL WEAPONS FACILITIES (Fleet Readiness Stations)" of the Act of July 27, 1962 (76 Stat. 228);

(k) the development of classified facilities in the amount of \$30,000 which is included in the line item amount of \$4,080,000 for the Naval Station, Roosevelt Roads, Puerto Rico, that is contained in title II, section 202 of the Act of July 27, 1962 (76 Stat. 230).

Repeals.

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing which are contained in this Act or any Act approved prior to November 8, 1963, are repealed except the authorization for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before such date.

Cost limitations.

SEC. 607. None of the authority contained in titles I, II, and III of this Act shall be deemed to authorize any building construction project inside the United States (other than Alaska) at a unit cost in excess of—

- (1) \$32 per square foot for cold-storage warehousing;
- (2) \$8 per square foot for regular warehousing;
- (3) \$1,850 per man for permanent barracks;
- (4) \$8,500 per man for bachelor officer quarters;

unless the Secretary of Defense determines that, because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable.

Air Force Academy.
Construction funds.
68 Stat. 49.
10 USC 9331
note.

SEC. 608. Notwithstanding the provisions of section 9 of the Act of April 1, 1954 (Public Law 325) as amended, no funds may be appropriated after the date of enactment of this Act for construction at the Air Force Academy unless appropriation of such funds has been authorized in this Act or any Act enacted after the date of enactment of this Act: *Provided*, That funds are authorized to be appropriated to accomplish advance planning and minor construction at the Air Force Academy in the same manner as for other projects under the Act of September 28, 1951, as amended (31 U.S.C. 723), and title 10, United States Code, section 2674, as amended.

SEC. 609. Titles I, II, III, IV, V, and VI of this Act may be cited as the "Military Construction Authorization Act, 1965."

69 Stat. 352.
72 Stat. 1459.
Short title.

(d) No project in excess of fifty units in the areas listed in subsection (a) shall be constructed at an average unit cost exceeding \$17,500, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(e) No family housing unit in the areas listed in subsection (a) shall be constructed at a total cost exceeding \$28,000, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 503. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions, or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

Alteration, etc.,
of quarters.

- (a) For the Department of the Army, \$2,300,000;
- (b) For the Department of the Navy, \$1,250,000;
- (c) For the Department of the Air Force, \$1,250,000;
- (d) For the Defense Agencies, \$971,000.

SEC. 504. Section 515 of Public Law 84-161 (69 Stat. 324, 352), as amended, is amended to read as follows:

Leasing of
facilities.
77 Stat. 325.
10 USC 2674
note.

"SEC. 515. During fiscal years 1965 through and including 1966, the Secretaries of the Army, Navy, and Air Force, respectively, are authorized to lease housing facilities at or near military installations in the United States and Puerto Rico for assignment as public quarters to military personnel and their dependents, if any, without rental charge, upon a determination by the Secretary of Defense, or his designee, that there is a lack of adequate housing facilities at or near such military installations. Such housing facilities shall be leased on a family or individual unit basis and not more than five thousand of such units may be so leased at any one time. Expenditures for the rental of such housing facilities may not exceed an average of \$160 a month for any such unit, including the cost of utilities and maintenance and operation."

SEC. 505. There is authorized to be appropriated for use by the Secretary of Defense or his designee for military family housing as authorized by law for the following purposes:

Appropriation.

(a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed \$188,168,000; and

(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payments to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed \$472,437,000.

68 Stat. 603.

TITLE VI

GENERAL PROVISIONS

SEC. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under

Construction
authority.
Waiver of re-
strictions.

70A Stat. 269,
590.

section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Appropriation.

SEC. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V shall not exceed—

(1) for title I: Inside the United States, \$241,526,000; outside the United States, \$51,061,000; or a total of \$292,587,000.

(2) for title II: Inside the United States, \$160,237,000; outside the United States, \$31,199,000; section 202, \$34,203,000; or a total of \$225,639,000.

(3) for title III: Inside the United States, \$165,228,000; outside the United States, \$24,473,000; section 302, \$113,647,000; or a total of \$303,348,000.

(4) for title IV: A total of \$10,505,000.

(5) for title V: Military family housing, a total of \$660,605,000.

Cost variations.

SEC. 603. Any of the amounts named in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum for projects inside the United States (other than Alaska) and by 10 per centum for projects outside the United States or in Alaska, if he determines in the case of any particular project that such increase (1) is required for the sole purpose of meeting unusual variations in cost arising in connection with that project, and (2) could not have been reasonably anticipated at the time such project was submitted to the Congress. However, the total costs of all projects in each such title may not be more than the total amount authorized to be appropriated for projects in that title.

Contracts.

SEC. 604. Whenever—

70A Stat. 132.

(1) the President determines that compliance with section 2313(b) of title 10, United States Code, for contracts made under this Act for the establishment or development of military installations and facilities in foreign countries would interfere with the carrying out of this Act; and

(2) the Secretary of Defense and the Comptroller General have agreed upon alternative methods of adequately auditing those contracts;

the President may exempt those contracts from the requirements of that section.

Construction contracts in U.S. Jurisdiction.

SEC. 605. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Bureau of Yards and Docks, Department of the Navy, unless the Secretary of Defense determines that because such jurisdiction and supervision is wholly impracticable such contracts should be executed under the jurisdiction and supervision of another department or Government agency, and shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. Regulations issued by the Secretary of Defense implementing the provisions of this section shall provide the department or agency requiring such construction with the right to select either the Corps of Engineers, Department of the Army, or the Bureau of Yards and Docks, Department of the Navy, as its construction agent, providing

TITLE VII

RESERVE FORCES FACILITIES

SEC. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

Reserve Forces
Facilities Author-
ization Act, 1965.
70A Stat. 120.
10 USC 2231-
2238.

(1) for Department of the Army—

(a) Army National Guard of the United States, \$10,000,000.

(b) Army Reserve, \$5,100,000.

(2) for Department of the Navy: Naval and Marine Corps Reserves, \$6,500,000.

(3) for Department of the Air Force—

(a) Air National Guard of the United States, \$12,800,000.

(b) Air Force Reserve, \$4,600,000.

SEC. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Construction
authority.
Waiver of re-
strictions.
70A Stat. 269,
590.

SEC. 703. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1965."

Short title.

Approved August 1, 1964.

Public Law 88-391

AN ACT

To amend the Act of October 24, 1951 (65 Stat. 634; 40 U.S.C. 193(n)-(w)), as amended, relating to the policing of the buildings and grounds of the Smithsonian Institution and its constituent bureaus.

August 1, 1964
[H. R. 9036]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Act of October 24, 1951 (65 Stat. 634), as amended (40 U.S.C. 193(n)-(w)), is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and all other areas in the District of Columbia under their control."

Smithsonian In-
stitution.
40 USC 193r.

SEC. 2. Section 7 of the Act of October 24, 1951, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and they may be furnished, without charge, with uniforms and such other equipment as may be necessary for the proper performance of their duties, including badges, revolvers, and ammunition."

Special police.
Equipment.

SEC. 3. Section 9 of the Act of October 24, 1951, as amended, is amended to read as follows:

“Buildings and grounds.”

“SEC. 9. For the purpose of this Act ‘buildings and grounds’ shall mean—

“(1) The Smithsonian Institution and its grounds which shall be construed to include the following:

“(A) the Smithsonian Building, the Arts and Industries Building, the Freer Gallery of Art Building, the Air and Space Building, the Museum of Natural History, the Museum of History and Technology Building, and all other buildings of the Smithsonian Institution within the Mall, including the entrance walks, unloading areas, and other pertinent service roads and parking areas;

“(B) the National Zoological Park comprising all the buildings, streets, service roads, walks, and other areas within the boundary fence of the National Zoological Park in the District of Columbia and including the public space between the said fence and the face of the curb lines of the adjacent city streets; and

“(C) all buildings, service roads, walks, and other areas within the exterior boundaries of any real estate or land or interest in land (including temporary use) which shall hereafter be acquired by the Smithsonian Institution by gift, purchase, exchange of Government-owned land, or otherwise, when determined by the Secretary of the Institution to be necessary for the adequate protection of persons or property therein and suitable for administration as a part of the Smithsonian Institution.

“(2) The National Gallery of Art and its grounds, which shall be held to extend to the line of the face of the south curb of Constitution Avenue Northwest, between Seventh Street Northwest, and Fourth Street Northwest, to the line of the face of the west curb of Fourth Street Northwest, between Constitution Avenue Northwest, and Madison Drive Northwest; to the line of the face of the north curb of Madison Drive Northwest, between Fourth Street Northwest, and Seventh Street Northwest; and to the line of the face of the east curb of Seventh Street Northwest, between Madison Drive Northwest, and Constitution Avenue Northwest.”

SEC. 4. The Act of October 24, 1951, as amended, is further amended by adding a new section 11 as follows:

Special police.
Enforcement
power.

“SEC. 11. The special police provided for in section 1 of this Act are authorized to enforce concurrently with the United States Park Police the laws and regulations applicable to the National Capital Parks, and to make arrests for violations of sections 2 to 4, inclusive of this Act, within the several areas located within the exterior boundaries of the face of the curb lines of the squares within which the aforementioned buildings are located.”

Approved August 1, 1964.

Public Law 88-392

AN ACT

August 1, 1964
[H. R. 10532]

Making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending June 30, 1965, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury and Post Office Departments, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending June 30, 1965, and for other purposes, namely:

Treasury, Post Office, and Executive Office Appropriation Act, 1965.

TITLE I—TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses in the Office of the Secretary, including the operation and maintenance of the Treasury Building and Annex thereof; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); the purchase of uniforms for elevator operators; and not to exceed \$5,000 for official reception and representation expenses; \$5,550,000.

60 Stat. 810.

BUREAU OF ACCOUNTS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Accounts, \$33,000,000.

BUREAU OF CUSTOMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Customs, including purchase of seventy-five passenger motor vehicles (of which sixty shall be for replacement only) including sixty-five for police-type use which may exceed by \$300 each the general purchase price limitation for the current fiscal year; uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and awards of compensation to informers as authorized by the Act of August 13, 1953 (22 U.S.C. 401); \$76,550,000.

68 Stat. 1114.

67 Stat. 577.

BUREAU OF ENGRAVING AND PRINTING

AIR-CONDITIONING THE BUREAU OF ENGRAVING AND PRINTING BUILDINGS

For an additional amount for necessary expenses in connection with air-conditioning the Bureau of Engraving and Printing Buildings, \$5,750,000, to remain available until expended: *Provided*, That not to exceed \$85,000 of the funds appropriated in this account may be used to compile, print, and publish a history of the first one-hundred years of operation of the Bureau of Engraving and Printing.

BUREAU OF THE MINT

SALARIES AND EXPENSES

60 Stat. 810.

For necessary expenses of the Bureau of the Mint, including purchase and maintenance of uniforms and accessories for guards; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and not to exceed \$1,000 for the expenses of the annual assay commission; \$9,980,000.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$100,000, for fiscal year 1964 and to remain available until June 30, 1965, to be derived by transfer from the appropriation for "Salaries and expenses, Office of the Treasurer", fiscal year 1964.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$500,000, for fiscal year 1964 and to remain available until June 30, 1965, to be derived by transfer from the appropriation for "Salaries and expenses, Office of the Treasurer", fiscal year 1964.

CONSTRUCTION OF MINT FACILITIES

31 USC 291-294.

For expenses necessary for construction of Mint facilities, as authorized by the Act of August 20, 1963 (77 Stat. 129), \$16,000,000, to remain available until expended.

CONSTRUCTION OF MINT FACILITIES

For expenses necessary for construction of Mint facilities, as authorized by the Act of August 20, 1963 (77 Stat. 129), to remain available until expended, \$500,000, to be derived by transfer from the appropriation for "Salaries and expenses, Office of the Treasurer", fiscal year 1964, to be immediately available.

BUREAU OF NARCOTICS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Narcotics, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and hire of passenger motor vehicles; \$5,550,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, \$49,000,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for, including hire of passenger motor vehicles; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); purchase of not to exceed thirty-two

passenger motor vehicles for replacement only; maintenance, operation, and repair of aircraft; recreation and welfare; and uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); \$271,100,000: *Provided*, That the number of aircraft on hand at any one time shall not exceed one hundred and fifty-eight exclusive of planes and parts stored to meet future attrition: *Provided further*, That amounts equal to the obligated balances against the appropriations for "Operating expenses" for the two preceding years, shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation: *Provided further*, That except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), this appropriation shall be available for expenses of primary and secondary schooling for dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and the Coast Guard may provide for the transportation of said dependents between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation.

68 Stat. 1114.

64 Stat. 1100.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); \$85,000,000, to remain available until expended: *Provided*, That repayment may be made to other Coast Guard appropriations for expenses incurred in support of activities carried out under this appropriation.

60 Stat. 810.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection Plan, \$37,500,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law, including repayment to other Coast Guard appropriations for indirect expenses, for regular personnel, or reserve personnel while on active duty, engaged primarily in administration and operation of the reserve program; for maintenance and operation of facilities; for supplies, equipment, and services; and the maintenance, operation, and repair of aircraft; \$20,700,000: *Provided*, That amounts equal to the obligated balances against the appropriations for "Reserve training" for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation.

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

60 Stat. 810.

For necessary expenses of the Internal Revenue Service, not otherwise provided for, including executive direction, administrative support, and internal audit and security; hire of passenger motor vehicles; and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and of expert witnesses at such rates as may be determined by the Commissioner; \$15,850,000.

REVENUE ACCOUNTING AND PROCESSING

For necessary expenses of the Internal Revenue Service for processing tax returns, and revenue accounting; hire of passenger motor vehicles; and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and of expert witnesses at such rates as may be determined by the Commissioner, including not to exceed \$17,500,000 for temporary employment; \$148,800,000.

COMPLIANCE

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities, and for investigation and enforcement activities, including purchase (not to exceed two hundred twenty-five for replacement only, of which one hundred fifty for police-type use may exceed by \$300 each the general purchase price limitation for the current fiscal year) and hire of passenger motor vehicles; and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and of expert witnesses at such rates as may be determined by the Commissioner; \$418,350,000.

ADMINISTRATIVE PROVISION

Not to exceed 2½ per centum of any appropriation available to the Internal Revenue Service for the current fiscal year may be transferred, with the approval of the Bureau of the Budget, to any other such appropriation or appropriations, but no such appropriation shall be increased by more than 2½ per centum by such transfers, and any such transfers shall be reported promptly to the Appropriations Committees of the House and Senate.

Reports to congressional committees.

OFFICE OF THE TREASURER

SALARIES AND EXPENSES

For necessary expenses of the Office of the Treasurer, \$6,000,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed nineteen for police-type use which may exceed by \$300 each the general purchase price limitation for the current fiscal year, of which fourteen are for replacement only) and hire of passenger motor vehicles, \$7,500,000.

SALARIES AND EXPENSES, WHITE HOUSE POLICE

For necessary expenses of the White House Police, including uniforms and equipment, \$1,730,000.

SALARIES AND EXPENSES, GUARD FORCE

For necessary expenses of the guard force for Treasury Department buildings in the District of Columbia, including purchase, repair, and cleaning of uniforms, \$420,000.

PUBLIC ENTERPRISE FUNDS

LIQUIDATION OF CORPORATE ASSETS

The Secretary of the Treasury is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available therefor and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Budget for the current fiscal year for the Reconstruction Finance Corporation Liquidation Activities.

61 Stat. 584.
31 USC 849.

This title may be cited as the "Treasury Department Appropriation Act, 1965".

Citation of
title.

TITLE II—POST OFFICE DEPARTMENT

CURRENT AUTHORIZATIONS OUT OF GENERAL FUND

CONTRIBUTION TO THE POSTAL FUND

For administration and operation of the Post Office Department and the postal service, there is hereby appropriated the aggregate amount of postal revenues for the current fiscal year, as authorized by law (39 U.S.C. 2201–2202), together with an amount equal to the difference between such revenues and the total of the appropriations hereinafter specified and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General, for the following purposes, namely:

74 Stat. 594.

CURRENT AUTHORIZATIONS OUT OF POSTAL FUND

ADMINISTRATION AND REGIONAL OPERATION

For expenses necessary for administration of the postal service, operation of the inspection service and regional offices, uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131), including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); management studies; not to exceed \$25,000 for miscellaneous and emergency expenses (including not to exceed \$6,000 for official reception and representation expenses upon approval by the Postmaster General); rewards for information and services concerning violations of postal laws and regulations, current and prior fiscal years, in accordance with regulations of the Postmaster General in effect at the time the services are rendered or information furnished; expenses of delegates designated by the Postmaster General to attend meetings and congresses for the purpose of making postal arrangements with foreign governments pursuant to law, and not to exceed \$20,000 of such expenses to be accounted for solely on the certificate of the Postmaster General; and

68 Stat. 1114.
60 Stat. 810.

not to exceed \$25,000 for rewards for information and services as provided for herein, shall be paid in the discretion of the Postmaster General and accounted for solely on his certificate; and settlement of claims, pursuant to law, current and prior fiscal years, for damages, and for losses resulting from unavoidable casualty; \$85,500,000.

RESEARCH, DEVELOPMENT, AND ENGINEERING

60 Stat. 810.

For expenses necessary for administration and conduct of a research, development, and engineering program, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and including not to exceed \$2,000,000 for reimbursement of additional costs incurred by contractors under prior year cost reimbursable contracts in addition to current increases in prior year orders or contracts as a result of changes in plans under such program, \$12,000,000, to remain available until expended.

OPERATIONS

68 Stat. 1114.

For expenses necessary for postal operations, including uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); for repair of vehicles owned by, or under control of, units of the National Guard and departments and agencies of the Federal Government where repairs are made necessary because of utilization of such vehicles in the postal service, and for other activities conducted by the Post Office Department pursuant to law; \$4,020,000,000: *Provided*, That not to exceed 5 per centum of any appropriation available to the Post Office Department for the current fiscal year may be transferred, with the approval of the Bureau of the Budget, to any other such appropriation or appropriations; but the appropriation "Administration and regional operation" shall not be increased by more than \$1,000,000 as a result of such transfers: *Provided further*, That functions financed by the appropriations available to the Post Office Department for the current fiscal year and the amounts appropriated therefor, may be transferred, in addition to the appropriation transfers otherwise authorized in this Act and with the approval of the Bureau of the Budget, between such appropriations to the extent necessary to improve administration and operations: *Provided further*, That Federal Reserve banks and branches may be reimbursed for expenditures as fiscal agents of the United States on account of Post Office Department operations.

TRANSPORTATION

For payments for transportation of domestic and foreign mails by air, land, and water transportation facilities, including current and prior fiscal years settlements with foreign countries for handling of mail, \$596,500,000.

FACILITIES

For expenses necessary for the operation of postal facilities, buildings, and field postal communication service; uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); procurement of stamps and accountable paper, and postal supplies; and storage of vehicles owned by, or under control of, units of the National Guard and departments and agencies of the Federal Government; \$199,000,000.

PLANT AND EQUIPMENT

For expenses necessary for modernization and acquisition of equipment and facilities for postal purposes, including not to exceed \$2,000,000 for increases in prior year orders placed with other Government agencies in addition to current increases in prior year orders or contracts made as a result of changes in plans, \$89,000,000: *Provided*, That the funds herein appropriated shall be available for repair, alteration, and improvement of the mail equipment shops at Washington, District of Columbia, and for payment to the General Services Administration for the repair, alteration, preservation, renovation, improvement, and equipment of federally owned property used for postal purposes, including improved lighting, color, and ventilation for the specialized conditions in space occupied for postal purposes.

This title may be cited as the "Post Office Department Appropriation Act, 1965".

Citation of title.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by the Act of January 19, 1949 (3 U.S.C. 102), \$150,000.

63 Stat. 4.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For expenses necessary for the White House Office, including not to exceed \$215,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at such per diem rates for individuals as the President may specify, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service; newspapers, periodicals, teletype news service, and travel, and official entertainment expenses of the President, to be accounted for solely on his certificate; \$2,730,000.

60 Stat. 810.

SPECIAL PROJECTS

For expenses necessary to provide staff assistance for the President in connection with special projects, to be expended in his discretion and without regard to such provisions of law regarding the expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, \$1,500,000: *Provided*, That not to exceed 10 per centum of this appropriation may be used to reimburse the appropriation for "Salaries and expenses, The White House Office", for administrative services: *Provided further*, That not to exceed \$10,000 shall be available for allocation within the Executive Office of the President for official reception and representation expenses.

EXECUTIVE MANSION AND GROUNDS

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Mansion and the Executive Mansion grounds, and traveling expenses, to be expended as the President may determine, notwithstanding the provisions of this or any other Act, \$696,000.

BUREAU OF THE BUDGET

SALARIES AND EXPENSES

60 Stat. 810.

For expenses necessary for the Bureau of the Budget, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed \$75 per diem for individuals, \$6,853,000.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

60 Stat. 23.

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), \$645,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For expenses necessary for the National Security Council, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and acceptance and utilization of voluntary and uncompensated services, \$564,000.

EMERGENCY FUND FOR THE PRESIDENT

For expenses necessary to enable the President, through such officers or agencies of the Government as he may designate, and without regard to such provisions of law regarding the expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, to provide in his discretion for emergencies affecting the national interest, security, or defense which may arise at home or abroad during the current fiscal year, \$1,000,000: *Provided*, That no part of this appropriation shall be available for allocation to finance a function or project for which function or project a budget estimate of appropriation was transmitted pursuant to law during the Eighty-eighth Congress or the first session of the Eighty-ninth Congress, and such appropriation denied after consideration thereof by the Senate or House of Representatives or by the Committee on Appropriations of either body.

EXPENSES OF MANAGEMENT IMPROVEMENT

For expenses necessary to assist the President in improving the management of executive agencies and in obtaining greater economy and efficiency through the establishment of more efficient business methods in Government operations, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not to exceed \$75 per diem, by allocation to any agency or office in the executive branch for the conduct, under the general direction of the Bureau of the Budget, of examinations and appraisals of, and the development and installation of improvements in, the organization and operations of such agency or of other agencies in the executive branch, \$300,000, to remain available until expended, and to be available without regard to the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended.

31 USC 665.

Citation of title.

This title may be cited as the "Executive Office Appropriation Act, 1965".

TITLE IV—INDEPENDENT AGENCIES

TAX COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses, including contract stenographic reporting services, \$1,960,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of September 24, 1959 (73 Stat. 703-706), \$395,000.

5 USC 2371-
2378.

PRESIDENT'S ADVISORY COMMITTEE ON LABOR-MANAGEMENT POLICY

For necessary expenses of the President's Advisory Committee on Labor-Management Policy, established by Executive Order 10918 of February 16, 1961, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed \$100 per diem, and \$30 per diem in lieu of subsistence for members of the Committee while away from their homes or regular places of business, \$150,000.

29 USC 141
note.
60 Stat. 810.

This Act may be cited as the "Treasury, Post Office, and Executive Office Appropriation Act, 1965".

Short title.

Approved August 1, 1964.

Public Law 88-393

AN ACT

August 1, 1964
[H. R. 10322]

To extend the provisions of the Act of August 11, 1959, Public Law 86-155, as amended (74 Stat. 396) to provide improved opportunity for promotion for certain officers in the naval service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act of August 11, 1959, Public Law 86-155, as amended (74 Stat. 396), is amended by striking out "June 30, 1965" and inserting in place thereof "June 30, 1970".

Naval officers.

SEC. 2. Section 3 of the Act of August 11, 1959, Public Law 86-155, as amended (74 Stat. 396), is amended to read as follows: "Notwithstanding section 1431 of title 10, United States Code, a change or revocation of an election, an original election, or a new election after a revocation of an election made under that section by—

73 Stat. 337.
10 USC 5701
note.
Election of
annuity, validity.
75 Stat. 810.

"(1) an officer who is retired under this Act; or

"(2) an officer who has been considered but not recommended for continuation on the active list under this Act and who retires voluntarily before the date specified for his retirement under this Act;

is effective if made at such a time that it would have been effective had he been retired on the date prescribed by section 6376 or 6377 of title 10, United States Code. However, an original election or a new election made after a revocation is not effective unless made before the convening date of the board that considered the officer for continuation."

70A Stat. 402.

Approved August 1, 1964.

Public Law 88-394

AN ACT

August 1, 1964
[S. 2963]

To amend the Atomic Energy Act of 1954, as amended, the Atomic Energy Community Act of 1955, as amended, and the EURATOM Cooperation Act of 1958, as amended.

Atomic Energy
Act, amendments.
68 Stat. 946;
73 Stat. 87.
42 USC 2183.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 153(h) of the Atomic Energy Act of 1954, as amended, is amended by striking out the date "September 1, 1964" and inserting in lieu thereof the date "September 1, 1969".

71 Stat. 576.
42 USC 2210.

SEC. 2. Subsection 170 c. of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new sentence: "With respect to any production or utilization facility for which a construction permit is issued between August 30, 1954, and August 1, 1967, the requirements of this subsection shall apply to any license issued for such facility subsequent to August 1, 1967."

72 Stat. 837.

SEC. 3. Subsection 170 k. of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new sentence: "With respect to any production or utilization facility for which a construction permit is issued between August 30, 1954, and August 1, 1967, the requirements of this subsection shall apply to any license issued for such facility subsequent to August 1, 1967."

69 Stat. 471.
42 USC 2301
note.

SEC. 4. The Atomic Energy Community Act of 1955, as amended, is amended by adding the following new section:

41 USC 5.

"SEC. 120. DISPOSAL OF PROPERTY.—In addition to any other authority the Commission may have, the Commission is authorized, without regard to the provisions of section 3709 of the Revised Statutes, as amended, to lease land, and to sell, lease, including leases with options to purchase, and otherwise dispose of improvements thereon, and such equipment and other personal property as is determined to be directly related thereto, in the Commission's Hanford project in and near Richland, Washington, upon a determination by the Commission that such disposition will serve to prevent or reduce the adverse economic impact of actual or anticipated reductions in Commission programs in that area: *Provided, however,* That the compensation to the Government for any such disposition shall be the estimated fair market value or estimated fair rental value of the property as determined by the Commission: *Provided further,* That before the Commission makes any disposition of property under the authority of this section, the basis for the proposed disposition (with necessary background and explanatory data) shall be submitted to the Joint Committee on Atomic Energy, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment of more than three days): *Provided, however,* That the Joint Committee on Atomic Energy, after having received the basis for the proposed disposition, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five-day period."

72 Stat. 1085.
42 USC 2294.

SEC. 5. Section 5 of the EURATOM Cooperation Act of 1958, as amended, is amended to read as follows:

42 USC 2074.

"SEC. 5. Pursuant to the provisions of section 54 of the Atomic Energy Act of 1954, as amended, there is hereby authorized for sale or lease to the Community:

Seventy thousand kilograms of contained uranium 235
Five hundred kilograms of plutonium
Thirty kilograms of uranium 233

in accordance with the provisions of an agreement or agreements for cooperation between the Government of the United States and the Community entered into pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended: *Provided*, That the Government of the United States obtains the equivalent of a first lien on any such material sold to the Community for which payment is not made in full at the time of transfer."

Approved August 1, 1964.

42 USC 2153.

Public Law 88-395

AN ACT

August 1, 1964
[H. R. 8313]

To repeal the District of Columbia Credit Unions Act, to convert credit unions incorporated under the provisions of the Act to Federal credit unions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any credit union organized under the District of Columbia Credit Unions Act (47 Stat. 326), as amended, may apply for conversion into a Federal credit union by filing with the Director of the Bureau of Federal Credit Unions (hereinafter referred to as the Director), pursuant to a resolution adopted by a majority of its directors, an organization certificate meeting the requirements of section 4 of the Federal Credit Union Act (12 U.S.C. 1753), as amended.

D.C. credit
unions.
Conversion to
Federal status.
D.C. Code
26-501.

SEC. 2. The Director shall approve any such organization certificate meeting such requirements. Upon such approval, the applicant credit union shall become a Federal credit union, and shall be vested with all of the assets and shall continue responsible for all of the obligations of such applicant credit union to the same extent as though the conversion had not taken place.

73 Stat. 628.
Approval.

SEC. 3. Any District of Columbia credit union converting into a Federal credit union in accordance with this Act shall thereupon be subject to the limitations, vested with the powers, and charged with the liabilities conferred and imposed by the Federal Credit Union Act upon credit unions organized thereunder, except that—

Conditions.

(1) no fee shall be imposed upon a credit union converting pursuant to this Act as an incident to its conversion;

(2) any loan or investment made by a credit union converting pursuant to this Act in conformity with the District of Columbia Credit Unions Act prior to its conversion, which does not conform to the requirements of the Federal Credit Union Act and is still outstanding at the time of conversion, shall be liquidated at or before its maturity or, if it has no maturity date, in a prudent manner and within a reasonable period of time; and

12 USC 1751.

(3) a credit union converting pursuant to this Act shall submit proposed bylaws to the Director for his approval after its conversion, but not later than thirty days following its next annual meeting or six months after the enactment of this Act, whichever is later: *Provided*, That any existing bylaw inconsistent with any other requirements of the Federal Credit Union Act shall be deemed null and void.

SEC. 4. Effective thirty days after enactment of this Act, the District of Columbia Credit Unions Act (47 Stat. 326), as amended, is repealed and all organization certificates issued thereunder and still in force are revoked.

Repeal.

Approved August 1, 1964.

Public Law 88-396

August 1, 1964
[H. R. 9834]

AN ACT

Granting a renewal of patent numbered D-161,955, relating to a plaque of the American Legion.

American Legion
plaque.
Patent renewal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain design patent issued by the United States Patent Office, dated February 13, 1951, being patent numbered D-161,955, is hereby renewed and extended for a period of fourteen years from and after the date of approval of this Act, with all the rights and privileges pertaining to the same, being generally known as a plaque of the American Legion.

Approved August 1, 1964.

Public Law 88-397

August 1, 1964
[H. R. 9833]

AN ACT

Granting a renewal of patent numbered D-162,975, relating to a medal of the American Legion.

American Legion
medal.
Patent renewal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain design patent issued by the United States Patent Office, dated April 17, 1951, being patent numbered D-162,975, is hereby renewed and extended for a period of fourteen years from and after the date of approval of this Act, with all the rights and privileges pertaining to the same, being generally known as a medal of the American Legion.

Approved August 1, 1964.

Public Law 88-398

August 3, 1964
[H. R. 4177]

AN ACT

To authorize the Secretary of the Army to convey to the city of Saint Paul, Minnesota, all right, title, and interest of the United States in and to certain lands heretofore conveyed to such city.

St. Paul, Minn.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is hereby authorized and directed to convey to the city of Saint Paul, Minnesota, all right, title, and interest of the United States remaining in and to those lands heretofore conveyed, with certain reservations and conditions, by quitclaim deed from the United States to the city of Saint Paul, Minnesota, dated July 5, 1928 (recorded in book of deeds 851, page 84, office of the register of deeds, Ramsey County, Minnesota), entered into under authority of the Act of May 29, 1928 (Public Law 577, Seventieth Congress).

45 Stat. 956.
Condition.

SEC. 2. The conveyance authorized by the first section of this Act shall be made subject to the condition that the city of Saint Paul, Minnesota, pay to the United States an amount equal to the fair market value of the property interest to be conveyed, as determined by the Secretary of the Army after appraisal.

Approved August 3, 1964.

Public Law 88-399

AN ACT

August 4, 1964
[S. 944]

To provide for the presentation by the United States to the people of Mexico of a monument commemorating the independence of Mexico, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State is authorized and requested to procure a statue of Lincoln to commemorate appropriately the independence of Mexico, and present the same, on behalf of the people of the United States, to the people of Mexico. Such monument shall be prepared only after the design, plans, and specifications therefor have been submitted to and approved by the Commission of Fine Arts.

Mexico.
Presentation of
monument.

SEC. 2. There is hereby authorized to be appropriated not in excess of \$150,000 to carry out the provisions of this Act, including payment of the cost of such statue, the design and construction of a suitable pedestal therefor, transportation, including insurance, erection of the statue in Mexico, and traveling expenses of persons delegated by the Secretary of State to present such statue, on behalf of the people of the United States, to the people of Mexico.

Appropriation.

Approved August 4, 1964.

Public Law 88-400

AN ACT

August 4, 1964
[H. R. 9021]

To authorize the use of two tracts of land situated in Salt Lake City, Utah, for public school purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the reversionary clause effective with respect to the following described tract of land which was conveyed by the United States to the Mount Olivet Cemetery Association of Salt Lake City, Utah, pursuant to the Act of January 23, 1909 (35 Stat. 589), shall not operate with respect to such tract of land so long as such tract is used for the public purpose specified in such Act or for public school purposes:

Salt Lake City,
Utah.

Beginning at the southwest corner of the Mount Olivet Cemetery Association property (said point being 100 feet north from the original southwest corner of the Fort Douglas Military Reservation and in the north line of Sunnyside Avenue, Salt Lake City, Utah); running thence north 0 degrees 00 minutes 28 seconds east along the west line of the cemetery property 237.76 feet; thence southeasterly along the arc of a 573-foot radius curve to the right (tangent to which bears south 57 degrees 37 minutes 13 seconds east) a distance of 157.06 feet; thence south 41 degrees 49 minutes 59 seconds east 21.23 feet; thence southeasterly along the arc of a 730.146-foot radius curve to the left, a distance of 183.86 feet, to a point in the south line of the cemetery property, which is the north line of Sunnyside Avenue; thence south 89 degrees 59 minutes 50 seconds west along said north line of Sunnyside Avenue 272.77 feet to the point of beginning. Containing 0.75 acre.

(b) The reversionary clause effective with respect to the following described tract of land conveyed by the United States to the Mount Olivet Cemetery Association of Salt Lake City, Utah, pursuant to the Act of January 23, 1909 (35 Stat. 589), and subsequently conveyed by such association to Salt Lake City, Utah, pursuant to the Act of

April 3, 1952 (66 Stat. 36), shall not be operable with respect to such tract so long as such tract is used for the public purposes specified in such Acts or for public school purposes:

Beginning at the original southwest corner of the Fort Douglas Military Reservation, which is located in Salt Lake City, Utah, and running thence north 0 degrees 00 minutes 28 seconds east along the west line of said military reservation, a distance of 100.00 feet, to the north line of Sunnyside Avenue; thence north 89 degrees 59 minutes 50 seconds east along said line 272.77 feet to a point in a curve, tangent to which bears south 56 degrees 15 minutes 38 seconds east; thence southeasterly along said curve to the left having a radius of 730.146 feet, a distance of 94.71 feet to a point of intersection with the west line of 14th East Street produced north; thence south 0 degrees 02 minutes 40 seconds west 52.64 feet to the south line of Sunnyside Avenue; thence south 89 degrees 59 minutes 50 seconds west along said south line of Sunnyside Avenue which is also the south line of the said military reservation, a distance of 354.77 feet to the point of beginning, containing 0.77 acre, more or less.

Approved August 4, 1964.

Public Law 88-401

AN ACT

August 4, 1964
[H. R. 248]

To amend section 801 of title 38, United States Code, to provide assistance in acquiring specially adapted housing for certain blind veterans who have suffered the loss or loss of use of a lower extremity.

Disabled veterans.
Special housing.
73 Stat. 472.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of section 801 of title 38, United States Code, is amended by striking out “, and such permanent and total disability is such as to preclude locomotion without the aid of a wheelchair,” and inserting in lieu thereof a semicolon.

Approved August 4, 1964.

Public Law 88-402

AN ACT

August 4, 1964
[H. R. 6652]

To authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable direct loans made to veterans under chapter 37, title 38, United States Code.

Veterans Administration.
Sale of loans.
72 Stat. 1209.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1811 (g) of title 38, United States Code, is amended to read as follows:

“(g) The Administrator may sell, and shall offer for sale, to any person or entity approved for such purpose by him, any loan made under this section at a price which he determines to be reasonable but not less than 98 per centum of the unpaid principal balance, plus the full amount of accrued interest, except that if loans are offered to an investor in a package or block of two or more loans no sale shall be made at less than 98 per centum of the aggregate unpaid principal balance of the loans included in such package or block, plus the full amount of accrued interest; and the Administrator shall guarantee any loan thus sold subject to the same conditions, terms, and limitations which would be applicable were the loan guaranteed under section 1810 of this title.”

Approved August 4, 1964.

Public Law 88-403

JOINT RESOLUTION

For the commemoration of the Honorable Herbert Hoover's ninetieth birthday,
August 10, 1964.

August 6, 1964
[S. J. Res. 184]

Whereas the Honorable Herbert Hoover, who has served his fellow man, his country and the world with the greatest devotion, will be ninety years of age on August 10, 1964; and

Whereas this great leader has twice directed relief and rehabilitation programs for the stricken victims of World War I and World War II; and

Whereas he conceived, drafted, and served as Chairman of two Commissions on Organization of the Executive Branch of the Federal Government; and

Whereas he served this Nation, first, as the Secretary of Commerce, and, then, as the thirty-first President of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby extend the Honorable Herbert Hoover its felicitations on his birthday, its admiration for his achievements, and its gratitude for his selfless service to mankind.

Hon. Herbert
Hoover.
Ninetieth birth-
day.

SEC. 2. The President of the United States is hereby authorized to issue a proclamation giving official recognition to August 10, 1964, as the Honorable Herbert Hoover's ninetieth birthday.

Proclamation.

SEC. 3. American flags are to be flown especially on that date over the Capitol and over the White House and then are to be conveyed to him in commemoration of his natal day.

Approved August 6, 1964.

Public Law 88-404

AN ACT

Declaring a portion of Bayou Black and Bayou Terrebonne, Louisiana, non-navigable waterways of the United States.

August 7, 1964
[H. R. 9689]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Bayou Black, Terrebonne Parish, Louisiana, between the proposed location of an earthen plug and dam (approximately 500 feet east from the city limits of Houma, Louisiana) and that point where the Houma Canal joins said stream; and (b) Bayou Terrebonne, Terrebonne Parish, Louisiana, between the point where Barrow Street crosses said stream and a line determined by prolonging and extending the eastern right-of-way line of New Orleans Boulevard in a southerly direction to the south bank of said stream; be, and the same are hereby, declared to be not navigable waters of the United States within the meaning of the laws of the United States.

Bayou Black and
Bayou Terrebonne,
La.
Nonnavigable
waters.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved August 7, 1964.

Public Law 88-405

AN ACT

August 7, 1964
[H. R. 6413]

To amend the Act approved March 3, 1921, as amended, establishing standard weights and measures for the District of Columbia, and for other purposes.

D.C.
Dairy products,
packaging units.
59 Stat. 98.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of the Act approved March 3, 1921 (41 Stat. 1221), as amended (sec. 10-114, D.C. Code, 1961 edition), is amended to read as follows:

"SEC. 14. (a) All fluid and frozen dairy products, including but not limited to whole milk, skimmed milk, cultured milk, sweet cream, sour cream, buttermilk, chocolate milk, chocolate drink, ice cream, and frozen custard, and frozen dairy desserts such as sherbet, water ice, and ice milk, shall, when sold or offered for sale in package form, be packaged only in units of gallons, one and one-half gallons, two and one-half gallons, integral multiples of the gallon, or binary-submultiples of the gallon of not less than one fluid ounce. Packages of less than one fluid ounce shall be permitted if the net contents of each such package are clearly and permanently marked thereon and if the labeling of the package conforms with the requirements of this Act or such package be one of a number of identical packages in an outside container the total contents and labeling of which conform with the requirements of this Act. Notwithstanding the foregoing, frozen dairy products and frozen dairy desserts may be sold or offered for sale in individually packaged or wrapped portions each containing four or more but less than sixteen fluid ounces, in integral multiples of one ounce, or, if less than four ounces, in multiples of one-half ounce. The package or wrapper of each individual portion of any such frozen dairy product or frozen dairy dessert shall be clearly labeled to show the net contents in fluid ounces. When two or more such individual portions of a frozen dairy product or frozen dairy dessert are sold or offered for sale in an outside container, the exterior of such container shall be clearly labeled to show the number of individual portions contained therein and the total net contents of such container, in fluid ounces.

Container
labeling.

"(b) Bottles or containers used for the retail sale of milk, buttermilk, chocolate milk, chocolate drink, or cream shall have clearly blown or otherwise permanently marked in the side of each bottle or container, or printed on the cap or stopple thereof, the name and address of the person, firm, or corporation who or which bottled such milk, buttermilk, chocolate milk, chocolate drink, or cream and the capacity of such bottle or container, except that a package containing less than one fluid ounce need not be labeled as to quantity if such package be one of a number of identical packages in an outside container the total contents and labeling of which conform with the requirements of this Act."

Repeal.

SEC. 2. Section 18a of such Act approved March 3, 1921, as added by the Act approved July 7, 1932 (47 Stat. 609; sec. 10-119, D.C. Code, 1961 edition, second paragraph), is hereby repealed.

Approved August 7, 1964.

Public Law 88-406

AN ACT

August 7, 1964
[H. R. 8954]

To amend section 409 of title 37, United States Code, to authorize the transportation of house trailers and mobile dwellings of members of the uniformed services within the continental United States, within Alaska, or between the continental United States and Alaska, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 409 of title 37, United States Code, is amended to read as follows:

“§ 409. Travel and transportation allowances: trailers

“Under regulations prescribed by the Secretaries concerned and in place of the transportation of baggage and household effects or payment of a dislocation allowance, a member, or in the case of his death his dependent, who would otherwise be entitled to transportation of baggage and household goods under section 406 of this title, may transport a house trailer or mobile dwelling within the continental United States, within Alaska, or between the continental United States and Alaska, for use as a residence by one of the following means—

“(1) transport the trailer or dwelling and receive a monetary allowance in place of transportation at a rate to be prescribed by the Secretaries concerned, but not more than 20 cents a mile;

“(2) deliver the trailer or dwelling to an agent of the United States for transportation by the United States or by commercial means; or

“(3) transport the trailer or dwelling by commercial means and be reimbursed by the United States subject to such rates as may be prescribed by the Secretaries concerned.

However, the cost of transportation under clause (2) or the reimbursement under clause (3) may not be more than the lesser of (A) the current average cost for the commercial transportation of a house trailer or mobile dwelling; (B) 51 cents a mile; or (C) the cost of transporting the baggage and household effects of the member or his dependent plus the dislocation allowance authorized in section 407 of this title. Any payment authorized by this section may be made in advance of the transportation concerned. For the purposes of this section, ‘continental United States’ means the forty-eight contiguous States and the District of Columbia.”

Approved August 7, 1964.

Uniformed serv-
ices.
House trailers
and mobile dwell-
ings.
76 Stat. 475.

“Continental
United States.”

Public Law 88-407

AN ACT

August 10, 1964
[H. R. 4732]

To change the name of the United States Olympic Association to the United States Olympic Committee.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the corporation known as the United States Olympic Association, which was incorporated by the Act entitled “An Act to incorporate the United States Olympic Association,” approved September 21, 1950 (64 Stat. 899), shall be known and designated hereafter as the United States Olympic Committee and any reference to such corporation under the name of the United States Olympic Association shall be held to refer to such corporation under and by the name of the United States Olympic Committee.

Approved August 10, 1964.

United States
Olympic Com-
mittee.

36 USC 371.

Public Law 88-408

August 10, 1964
[H. J. Res. 1145]

JOINT RESOLUTION

To promote the maintenance of international peace and security in southeast Asia.

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Approved August 10, 1964.

Public Law 88-409

August 10, 1964
[H. R. 8654]

AN ACT

To terminate a restriction on use with respect to certain land previously conveyed to the city of Fairbanks, Alaska, and to convey to said city the mineral rights in such land.

Fairbanks,
Alaska.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the restriction on use for other than school purposes and the reservation of mineral rights with respect to lot 1, block 115, in the city of Fairbanks, Alaska, under the provisions of the Act entitled "An Act to transfer lot 1 in block 115, city of Fairbanks, Alaska, to the city of Fairbanks, Alaska", approved June 1, 1948 (62 Stat. 283), are hereby respectively terminated and conveyed to said city.

Approved August 10, 1964.

Public Law 88-410

AN ACT

August 10, 1964
[H. R. 82]

To amend the Merchant Marine Act, 1936, in order to provide for the reimbursement of certain vessel construction expenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502(f) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1152(f)), is amended by inserting at the end thereof the following:

"If, as a result of allocation under this subsection, the applicant incurs expenses for inspection and supervision of the vessel during construction and for the delivery voyage of the vessel in excess of the estimated expenses for the same services that he would have incurred if the vessel had been constructed by the lowest responsible bidder the Secretary of Commerce (with respect to construction under title V, except section 509) shall reimburse the applicant for such excess, less one-half of any gross income the applicant receives that is allocable to the delivery voyage minus one-half of the extra expenses incurred to produce such gross income, and such reimbursement shall not be considered part of the construction-differential subsidy: *Provided*, That no interest shall be paid on any refund authorized under this Act. If the vessel is constructed under section 509 the Secretary of Commerce shall reduce the price of the vessel by such excess, less one-half of any gross income (minus one-half of the extra expenses incurred to produce such gross income) the applicant receives that is allocable to the delivery voyage. In the case of a vessel that is not to receive operating-differential subsidy, the delivery voyage shall be deemed terminated at the port where the vessel begins loading. In the case of a vessel that is to receive operating-differential subsidy, the delivery voyage shall be deemed terminated when the vessel begins loading at a United States port on any essential service of the operator. In either case, however, the vessel owner shall not be compensated for excess vessel delivery costs in an amount greater than the expenses that would have been incurred in delivering the vessel from the shipyard at which it was built to the shipyard of the lowest responsible bidder. If as a result of such allocation, the expenses the applicant incurs with respect to such services are less than the expenses he would have incurred for such services if the vessel had been constructed by the lowest responsible bidder, the applicant shall pay to the Secretary of Commerce an amount equal to such reduction and, if the vessel was built with the aid of construction-differential subsidy, such payment shall not be considered a reduction of the construction-differential subsidy."

Vessels.
Construction
expenses.
52 Stat. 957;
70 Stat. 657.

49 Stat. 1995.
46 USC 1151 et
seq.

46 USC 1159.

SEC. 2. The amendment made by this Act shall be effective with respect to any contract entered into under the provisions of section 502 of the Merchant Marine Act, 1936, as amended, and the Secretary of Commerce shall, with the consent of the other parties thereto, modify any such contract entered into prior to the date of the enactment of this Act to the extent authorized by the amendment made by this Act, except that the Secretary shall not agree to any such modification which would result in a payment by the United States unless, within one year after enactment of this Act, application is made for such modification. No payment shall be made by the Secretary under the provisions of the amendment made by this Act with respect to any

Modification of
contract.

contract entered into after the date of enactment of this Act unless the recipient of such payment has agreed to the modification of any contract which was entered into prior to the date of enactment of this Act and to which such recipient was a party, and which, if modified under the authority of this section, would result in a payment to the United States.

Approved August 10, 1964.

Public Law 88-411

AN ACT

August 10, 1964
[H. R. 7419]

To authorize the conclusion of agreements with Mexico for joint construction, operation, and maintenance of emergency flood control works on the lower Colorado River, in accordance with the provisions of article 13 of the 1944 Water Treaty with Mexico, and for other purposes.

Mexico-U.S.,
flood control.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized to conclude, with the appropriate official or officials of the Government of Mexico, agreements for emergency flood control measures of international character in the reaches of the lower Colorado River between Imperial Dam and the Gulf of California, in both the United States and Mexico, such agreements to provide: (a) for the joint clearing and maintaining free of trees and brush the bed and banks of the channel; for removing sediment deposits from the river channel; and (b) for corrective actions to guard against sedimentation and consequent aggradation of the river channel incident to desilting operations at diversion dams in the two countries: *Provided,* That, prior approval of the Secretary of the Interior is required of any proposed agreement with Mexico under clause (b) of this section which would involve construction and/or operation of works on the Colorado River in the United States under the jurisdiction of the Secretary. The measures contemplated herein are for the purpose of controlling floods on the lower Colorado River in accordance with article 13 of the 1944 Water Treaty with Mexico, and accomplishment thereof by the International Boundary and Water Commission, United States Section, would be in accord with the Memorandum of Understanding "as to Functions and Jurisdiction of Agencies of the United States in Relation to the Colorado and Tijuana Rivers and the Rio Grande Below Fort Quitman, Texas, Under Water Treaty Signed at Washington, February 3, 1944," between the Department of State and the United States Section, International Boundary and Water Commission, and the Department of the Interior dated February 14, 1945.

59 Stat. 1241.

Sec. 2. The United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized to carry out those measures agreed upon for execution by the United States in the agreements concluded pursuant to section 1 of this Act.

Appropriation.

Sec. 3. There is authorized to be appropriated to the Department of State for use of the United States Section, International Boundary and Water Commission, United States and Mexico, not in excess of \$300,000 for the initial cost of the work authorized in this Act, and not to exceed \$20,000 annually thereafter for necessary maintenance.

Approved August 10, 1964.

Public Law 88-412

AN ACT

August 10, 1964
[H. R. 10973]

To provide for the disposition of judgment funds on deposit to the credit of the Lower Pend D'Oreille or Kalispel Tribe of Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Lower Pend D'Oreille or Kalispel Tribe of Indians that were appropriated by the Act of May 17, 1963 (Public Law 88-25; 77 Stat. 20, 43), to pay a judgment by the Indian Claims Commission in docket 94, and the interest thereon, less payment of attorneys' fees and expenses, may be advanced or expended for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Any part of such funds that may be distributed to the members of the tribe shall not be subject to the Federal or State income tax.

Kalispel Indians.
Payment of
credited funds.

Approved August 10, 1964.

Public Law 88-413

AN ACT

August 10, 1964
[H. R. 10483]

To authorize the sale of 58.19 acres of Eastern Shawnee tribal land in Oklahoma.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon request of the Eastern Shawnee Tribe of Oklahoma, acting through its official governing body, the Secretary of the Interior is hereby authorized to sell all of the right, title, and interest of the United States and the Eastern Shawnee Tribe of Oklahoma in lots 1 and 2, section 9, township 27 north, range 25 east, Indian meridian, Ottawa County, Oklahoma, comprising 58.19 acres, said land to be sold on terms satisfactory to the tribe and the Secretary of the Interior at not less than its appraised value, as determined by the Secretary. The proceeds of the sale shall be deposited in the Treasury of the United States to the credit of the Eastern Shawnee Tribe of Oklahoma.

Indians.
Eastern Shawnee
Tribe.

Approved August 10, 1964.

Public Law 88-414

AN ACT

August 10, 1964
[H. R. 11754]

To amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (2) of subsection (d) of section 4 of the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 295), is amended to read as follows:

Foreign Service
Buildings Act,
1926, amendment.
77 Stat. 121.

"(2) for use to carry out the other purposes of this Act, not to exceed \$11,500,000 for the fiscal year 1964, \$12,000,000 for the fiscal year 1965, \$12,200,000 for the fiscal year 1966, \$12,400,000 for the fiscal year 1967."

(b) Subsection (d) of section 4 of such Act (22 U.S.C. 295) is amended by adding at the end thereof the following new sentence: "Beginning with the fiscal year 1966, not to exceed 10 per centum of the funds authorized for any subparagraph under paragraph (1) of this subsection may be used for any of the purposes for which funds are authorized under any other subparagraph of such paragraph (1)."

Approved August 10, 1964.

Public Law 88-415

AN ACT

August 10, 1964
[S. 2218]

To authorize the Secretary of the Interior to accept the transfer of certain national forest lands in Cocke County, Tennessee, for purposes of the Foothills Parkway, and for other purposes.

Cocke County,
Tenn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to transfer to the jurisdiction of the Secretary of the Interior, who is hereby authorized to accept such transfer, not to exceed three hundred and sixty acres of national forest land in Cocke County, Tennessee, now part of the Cherokee National Forest, located within and adjacent to the right-of-way for section 8A of the Foothills Parkway between Tennessee Highway Numbered 32 and the Pigeon River.

Publication in
Federal Register.

Upon publication in the Federal Register of an order of transfer by the Secretary of Agriculture, the lands so transferred shall be a part of the Great Smoky Mountains National Park and available for the scenic parkway as authorized by the Act of February 22, 1944 (58 Stat. 19; 16 U.S.C. 403h-11).

Approved August 10, 1964.

Public Law 88-416

JOINT RESOLUTION

August 11, 1964
[H. J. Res. 658]

Authorizing and requesting the President to proclaim 1964 and 1965 as a period to "See the United States," and for other purposes.

"See the United
States," 1964 and
1965.
Proclamation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the years 1964 and 1965 as a period to see the United States and its territories and to invite private industry and interested private organizations to begin in 1964 a nationwide effort which will encourage the American people to explore, use and enjoy the scenic, historical, and recreational areas and facilities throughout the United States of America, its territories and possessions and the Commonwealth of Puerto Rico.

Publicity.

SEC. 2. The President is authorized to publicize any proclamation issued pursuant to the first section and otherwise to encourage and promote vacation travel within the United States of America, its territories and possessions, and the Commonwealth of Puerto Rico, both by American citizens and by citizens of other countries, through such departments or agencies of the Federal Government as he deems appropriate, in cooperation with State and local agencies and private organizations.

National chair-
man.

SEC. 3. The President is authorized to appoint a national chairman to coordinate the efforts of private industry in carrying out the purposes of this resolution. The national chairman shall serve without compensation from the Federal Government.

Approved August 11, 1964.

Public Law 88-417

AN ACT

To repeal the Act of October 22, 1919 (41 Stat. 293; 43 U.S.C. 351-355, 357-360).

August 11, 1964
[H. R. 1892]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to any valid rights and obligations existing on the date of approval of this Act, the Act of October 22, 1919 (41 Stat. 293; 43 U.S.C. 351-355, 357-360), is hereby repealed.

Underground
water reclamation
grants.
Repeal.

SEC. 2. Any valid application for permit under that Act, on file with the Secretary of the Interior on the effective date of this Act, may be processed in the same manner as if this Act had not been enacted.

Approved August 11, 1964.

Public Law 88-418

AN ACT

To authorize the sale of certain lands of the Cheyenne River Sioux Tribe.

August 11, 1964
[H. R. 2977]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, but subject to the provisions of the Cheyenne River Sioux tribal constitution and the ordinances and resolutions adopted thereunder, any of the real property of the Cheyenne River Sioux Tribe located outside the boundaries of the Cheyenne River Reservation in Stanley, Haakon, Pennington, and Meade Counties, South Dakota, and any isolated tracts that are located within the boundaries of the reservation but outside the boundaries of land consolidation areas and are not needed for Indian use, may be sold in appropriate units, after competitive bidding, to the highest bidder therefor. No such sale shall be at a price less than the fair market value of such property, as determined by the Secretary of the Interior. Any such sale shall be subject to such terms and conditions as may be prescribed by the Secretary of the Interior.

Indians.
Cheyenne River
Sioux Tribe.

SEC. 2. All funds derived from the sale of real property authorized by the first section of this Act shall be placed by the Secretary of the Interior in a special account in the Treasury and shall be used only for the purchase of real property within the boundaries of the Cheyenne River Reservation. Any real property purchased with such funds shall be held by the United States in trust for the Cheyenne River Sioux Tribe.

Disposal of
funds.

SEC. 3. Any tribal land that may be sold pursuant to section 1 of this Act may, with the approval of the Secretary of the Interior, be encumbered by a mortgage or deed of trust, and shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State in which the land is located. The United States shall be an indispensable party to any such proceeding with the right of removal of the cause to the United States district court for the district in which the land is located, following the procedure in 28 U.S.C. 1446: *Provided*, That the United States shall have the right to appeal from any order of remand in the case.

62 Stat. 939.

Approved August 11, 1964.

Public Law 88-419

AN ACT

August 11, 1964
[H. R. 7833]

To amend the Act entitled "An Act to provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes", approved August 18, 1958 (72 Stat. 619).

Indian ranch-
erias.
Land distribu-
tion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled "An Act to provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes," approved August 18, 1958 (72 Stat. 619), is amended to read as follows: "the lands, including minerals, water rights, and improvements located on the lands, and other assets of the rancherias and reservations lying wholly within the State of California shall be distributed in accordance with the provisions of this Act when such distribution is requested by a majority vote of the adult Indians of a rancheria or reservation or of the adult Indians who hold formal or informal assignments on the rancheria or reservation, as determined by the Secretary of the Interior. The requirement for a majority vote shall not apply to the rancherias and reservations that were at any time named in this section."

Distribution of
assets.

(b) Section 2(a) of such Act is amended by deleting "The Indians who hold formal or informal assignments on each reservation or rancheria, or the Indians of such reservation or rancheria, or the Secretary of the Interior after consultation with such Indians," and by substituting "When the Indians of a rancheria or reservation request a distribution of assets in accordance with the provisions of this Act, they, or the Secretary of the Interior after consultation with them,".

(c) Section 2(a) of such Act is further amended by changing the period at the end of the first sentence to a colon and adding: "*Provided*, That the provisions of this section with respect to a request for distribution of assets shall not apply to any case in which the requirement for such request is waived by section 1 of this Act, and in any such case the plan shall be prepared as though request therefor had been made."

(d) Section 2(b) of such Act is amended by changing the period at the end of the penultimate sentence to a colon and adding: "*Provided*, That the provisions of such plan may be modified with the approval of the Secretary and consent of the majority of the distributees."

(e) Section 3(c) of such Act is amended to read as follows:

Sanitation and
irrigation facil-
ities.

"(c) To construct, improve, install, extend, or otherwise provide, by contract or otherwise, sanitation facilities (including domestic and community water supplies and facilities, drainage facilities, and sewage- and waste-disposal facilities, together with necessary appurtenances and fixtures) and irrigation facilities for Indian homes, communities, and lands, as he and the Indians agree, within a reasonable time, should be completed by the United States: *Provided*, That with respect to sanitation facilities, as hereinbefore described, the functions specified in this paragraph, including agreements with Indians with respect to such facilities, shall be performed by the Secretary of Health, Education, and Welfare in accordance with the provisions of section 7 of the Act of August 4, 1954 (58 Stat. 674), as amended (42 U.S.C. 2004a)."

(f) Section 3(e) of such Act is amended by deleting the word "non-Indian".

(g) Section 5 of such Act is amended by adding a new subsection as follows:

“(d) Any rancheria or reservation lying wholly within the State of California that is held by the United States for the use of Indians of California and that was not occupied on January 1, 1964, by Indians under a formal or informal assignment shall be sold by the Secretary of the Interior and the proceeds of the sale shall be deposited in the Treasury of the United States to the credit of the Indians of California. Any rancheria or reservation lying wholly within the State of California that is held by the United States for a named tribe, band, or group that was not occupied on January 1, 1964, may be sold by the Secretary of the Interior and the proceeds shall be deposited to the credit of the tribe, band, or group.”

Unoccupied
lands.
Sale.

(h) Section 10(b) of such Act is amended (1) by inserting after the words “their immediate families” the words “who are not members of any other tribe or band of Indians”, (2) by inserting after “because of their status as Indians”, the words “all restrictions and tax exemptions applicable to trust or restricted land or interests therein owned by them are terminated,”, and (3) by adding at the end of section 10(b) the following sentence: “The provisions of this subsection, as amended, shall apply in the case of a distribution of assets made either before or after the amendment of the subsection.”

(i) Section 11 of such Act is amended by inserting immediately after the words “as amended,” the words “or any other authority,”.

(j) Section 13 of such Act is amended by deleting “not to exceed \$509,235” and by substituting “such sums as may be necessary”.

Approved August 11, 1964.

Public Law 88-420

AN ACT

To permit the vessel United States ship Alabama to pass through the Panama Canal without payment of tolls.

August 11, 1964
[H. R. 11622]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, in order to facilitate the movement of the vessel United States ship Alabama from the west coast of the United States to a site in the State of Alabama where it is to be established as a public shrine, the vessel United States ship Alabama shall be permitted to pass through the Panama Canal from west to east without payment of tolls of any kind.

U.S.S. Alabama.

For the purposes of such transit through the Panama Canal the said vessel shall be regarded as a vessel operated by the United States within the meaning of section 412(c) of title 2 of Canal Zone Code (76A Stat. 27).

Approved August 11, 1964.

Public Law 88-421

AN ACT

August 11, 1964
[H. R. 7215]

To direct the Secretary of the Interior to convey certain lands to the Citizen Band of Potawatomi Indians and certain other lands to the Absentee-Shawnee Tribe of Indians, and for other purposes.

Citizen Band of
Potawatomi In-
dians.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to valid existing rights, the Secretary of the Interior is authorized and directed to convey to the Citizen Band of Potawatomi Indians of Oklahoma all right, title, and interest of the United States in and to the following described lands of the Shawnee Indian School and Agency Reserve, including reversionary rights and retained mineral interests under existing grants, together with all improvements located thereon:

TRACT NUMBERED 1

Northeast quarter northeast quarter, southeast quarter northeast quarter, southwest quarter northeast quarter section 31, township 10 north, range 4 east, Indian meridian, Pottawatomie County, Oklahoma, containing 120.00 acres, more or less.

TRACT NUMBERED 2

That part of the northwest quarter southeast quarter section 31, township 10 north, range 4 east, Indian meridian, Pottawatomie County, Oklahoma, described as: Beginning at the southwest corner of said northwest quarter southeast quarter; thence east 1,320 feet; thence north 1,320 feet; thence west 1,320 feet to the center of said section; thence south 167 feet; thence east 183 feet to the intersection with the west line of the Atchison, Topeka, and Santa Fe Railroad right-of-way; thence southwesterly along the west right-of-way line a distance of 856 feet to the intersection with a point in the west line of the northwest quarter southeast quarter, said point being 983 feet south of the center of section 31; thence south along the west line of the northwest quarter southeast quarter, a distance of 337 feet, to the point of beginning; containing 38.29 acres, more or less.

TRACT NUMBERED 3

That part of the southeast quarter northwest quarter section 31, township 10 north, range 4 east, Indian meridian, Pottawatomie County, Oklahoma, described as: Beginning at the northeast corner of said southeast quarter northwest quarter; thence south 1,320 feet to the center of said section 31; thence west along the south line of said southeast quarter northwest quarter, a distance of 1,255.4 feet to the intersection with the centerline of Oklahoma State Highway Numbered 18; thence northwesterly along the centerline of the highway a distance of 660.58 feet to a point on the south line of the northwest quarter southeast quarter northwest quarter; thence east 38 feet to the intersection with the east right-of-way line of Oklahoma State Highway Numbered 18; thence northwesterly along the east right-of-way line to a point in the north line of said southeast quarter northwest quarter, said point being 58 feet east of the northwest corner of said southeast quarter northwest quarter; thence east a distance of 1,262 feet to the point of beginning; containing 38.63 acres, more or less.

TRACT NUMBERED 4

That part of the northeast quarter southwest quarter section 31, township 10 north, range 4 east, Indian meridian, Pottawatomie County, Oklahoma, described as: Beginning at the northeast corner of said northeast quarter southwest quarter, said point being the center of section 31; thence south 167 feet; thence west 1,302 feet to the intersection with the west line of the right-of-way of Oklahoma State Highway Numbered 18; thence northeasterly along the west right-of-way line a distance of 167 feet to the north line of said northeast quarter southwest quarter; thence east along said north line a distance of 1,297.4 feet to the point of beginning; containing 4.678 acres, more or less.

TRACT NUMBERED 5

That part of the northeast quarter southwest quarter section 31, township 10 north, range 4 east, Indian meridian, Pottawatomie County, Oklahoma, described as: Beginning at the southeast corner of said northeast quarter southwest quarter; thence north along the east line of said northeast quarter southwest quarter a distance of 337 feet to the intersection with the west right-of-way line of the Atchison, Topeka, and Santa Fe Railroad right-of-way; thence southwesterly along said west right-of-way line a distance of 367 feet to the intersection with the south line of said northeast quarter southwest quarter; thence east along the south line a distance of 129 feet to the point of beginning; containing .498 acre, more or less.

TRACT NUMBERED 6

The reserved mineral deposits, including the right to prospect for and remove the same, in and under lands described as the south half of lot 2 (southwest quarter northwest quarter), and that part of the southwest quarter southeast quarter northwest quarter lying west of the centerline of Oklahoma State Highway Numbered 18 and adjacent to the south half of said lot 2, all in section 31, township 10 north, range 4 east, Indian meridian, Pottawatomie County, Oklahoma, containing 19.87 acres, more or less, which lands were previously conveyed to Pottawatomie County, Oklahoma, by quitclaim deed dated December 17, 1959, pursuant to the Act of June 4, 1953 (67 Stat. 71; 25 U.S.C. 293a), said deed appearing of record in Pottawatomie County, Oklahoma, in deed book 174 at page 367 of the land records of said county.

67 Stat. 41.

The title of the tribe to the lands hereinbefore described and the improvements thereon shall be subject to no exemption from taxation or restriction on use, management, or disposition because of Indian ownership.

SEC. 2. Subject to valid existing rights, the Secretary of the Interior is authorized and directed to convey to the Absentee-Shawnee Tribe of Indians of Oklahoma all right, title, and interest of the United States in and to the following described lands of the Shawnee Indian School and Agency Reserve, including reversionary rights and retained mineral interests under existing grants, together with all improvements located thereon:

Absentee-Shawnee Tribe.
Conveyance.

TRACT NUMBERED 7

That part of the northeast quarter southwest quarter section 31, township 10 north, range 4 east, Indian meridian, Pottawatomie County, Oklahoma, described as: Beginning at a point 1,320 feet south and 726 feet west of the northeast corner of said northeast quarter southwest quarter; thence north 220.44 feet; thence west 594

feet to the point of intersection with the west line of said northeast quarter southwest quarter; thence north along the west line a distance of 439.56 feet to the midpoint of the west line of said northeast quarter southwest quarter; thence east a distance of 17 feet to the intersection with the west right-of-way line of Oklahoma State Highway Numbered 18; thence northeasterly along said west right-of-way line a distance of 493 feet; thence east 1,485 feet to the west right-of-way line of the Atchison, Topeka, and Santa Fe Railroad right-of-way; thence southwesterly along said west railroad right-of-way line a distance of 1,223 feet to a point in the south line of said northeast quarter southwest quarter, said point being 129 feet west of the southeast corner of said northeast quarter southwest quarter; thence west along the south line of said northeast quarter southwest quarter a distance of 597 feet to the point of beginning; containing 33.23 acres, more or less.

The title of the tribe to the lands hereinbefore described and the improvements thereon shall be subject to no exemption from taxation or restriction on use, management, or disposition because of Indian ownership.

25 USC 70a. SEC. 3. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Approved August 11, 1964.

Public Law 88-422

AN ACT

To amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services.

August 12, 1964
[S. 3001]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203(a) of title 37, United States Code, is amended to read as follows:

“(a) The rates of monthly basic pay for members of the uniformed services within each pay grade are set forth in the following tables:

Uniformed serv-
ices.
Salary increase,
77 Stat. 210.

“COMMISSIONED OFFICERS

“Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 5	Over 6	Over 10
O-10 ¹	\$1,392.00	\$1,347.90	\$1,347.90	\$1,347.90	\$1,347.90	\$1,399.20	\$1,399.20
O-9.....	1,153.80	1,183.80	1,209.60	1,209.60	1,209.60	1,240.20	1,240.20
O-8.....	1,045.20	1,076.40	1,101.90	1,101.90	1,101.90	1,183.80	1,183.80
O-7.....	868.20	927.60	927.60	927.60	968.70	968.70	1,025.10
O-6.....	643.20	707.40	753.30	753.30	753.30	753.30	753.30
O-5.....	514.00	604.80	645.90	645.90	645.90	645.90	666.30
O-4.....	434.10	528.00	563.70	563.70	573.90	599.70	640.50
O-3 ²	353.70	450.90	481.80	533.10	558.60	579.00	609.90
O-2 ²	281.40	384.30	461.40	476.70	486.90	486.90	486.90
O-1 ²	241.20	307.50	334.30	384.30	384.30	384.30	384.30

“Pay grade	Years of service computed under section 205							
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-10 ¹	\$1,506.90	\$1,506.90	\$1,614.30	\$1,614.30	\$1,722.00	\$1,722.00	\$1,829.70	\$1,829.70
O-9.....	1,291.50	1,291.50	1,399.20	1,399.20	1,506.90	1,506.90	1,614.30	1,614.30
O-8.....	1,240.20	1,240.20	1,291.50	1,347.90	1,399.20	1,455.60	1,455.60	1,455.60
O-7.....	1,025.10	1,076.40	1,183.80	1,266.00	1,266.00	1,266.00	1,266.00	1,266.00
O-6.....	753.30	779.10	902.10	948.00	968.70	1,025.10	1,112.10	1,112.10
O-5.....	702.00	748.20	804.60	850.80	876.30	907.20	907.20	907.20
O-4.....	676.50	707.40	738.00	758.40	758.40	758.40	758.40	758.40
O-3 ²	640.50	656.10	656.10	656.10	656.10	656.10	656.10	656.10
O-2 ²	486.90	486.90	486.90	486.90	486.90	486.90	486.90	486.90
O-1 ²	384.30	384.30	384.30	384.30	384.30	384.30	384.30	384.30

¹ While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is \$2,019.30 regardless of cumulative years of service computed under section 205 of this title.

² Does not apply to commissioned officers who have been credited with over 4 years' active service as an enlisted member.

“COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS AN ENLISTED MEMBER

“Pay grade	Years of service computed under section 205					
	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
O-3.....	\$533.10	\$558.60	\$579.00	\$609.90	\$640.50	\$666.30
O-2.....	476.70	486.90	502.20	528.00	548.40	563.70
O-1.....	384.30	410.10	425.40	440.70	456.00	476.70

“Pay grade	Years of service computed under section 205					
	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-3.....	\$666.30	\$666.30	\$666.30	\$666.30	\$666.30	\$666.30
O-2.....	563.70	563.70	563.70	563.70	563.70	563.70
O-1.....	476.70	476.70	476.70	476.70	476.70	476.70

"WARRANT OFFICERS"

"Pay grade	Years of service computed under section 205							
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
W-4.....	\$361.20	\$440.70	\$440.70	\$450.90	\$471.60	\$492.00	\$512.40	\$548.40
W-3.....	328.50	405.00	405.00	410.10	415.20	445.80	471.60	486.90
W-2.....	287.40	353.70	353.70	363.90	384.30	405.00	420.30	435.60
W-1.....	238.20	312.60	312.60	338.40	353.70	369.00	384.30	399.90

"Pay grade	Years of service computed under section 205						
	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
W-4.....	\$573.90	\$594.60	\$609.90	\$630.30	\$651.00	\$702.00	\$702.00
W-3.....	502.20	517.50	533.10	553.50	573.90	594.60	594.60
W-2.....	450.90	466.50	481.80	497.10	517.50	517.50	517.50
W-1.....	415.20	430.50	445.80	461.40	461.40	461.40	461.40

"ENLISTED MEMBERS"

"Pay grade"	Years of service computed under section 205							
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
E-9							\$445.80	\$456.00
E-8						\$374.10	384.30	394.50
E-7	\$206.39	\$282.00	\$292.20	\$302.40	\$312.60	322.80	333.00	343.50
E-6	175.81	246.00	256.20	266.40	276.90	287.10	297.30	312.60
E-5	145.24	215.40	225.60	235.80	251.10	261.30	271.50	282.00
E-4	122.30	184.50	194.70	210.00	220.50	220.50	220.50	220.50
E-3	99.37	148.50	159.00	169.20	169.20	169.20	169.20	169.20
E-2	85.80	123.00	123.00	123.00	123.00	123.00	123.00	123.00
E-1	83.20	112.80	112.80	112.80	112.80	112.80	112.80	112.80
E-1 (under 4 months)	78.00							

"Pay grade"	Years of service computed under section 205							
	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30	
E-9	\$466.50	\$476.70	\$486.90	\$497.10	\$522.90	\$573.90	\$573.90	
E-8	405.00	415.20	425.40	435.60	461.40	512.40	512.40	
E-7	358.80	359.00	379.20	384.30	410.10	461.40	461.40	
E-6	322.80	333.00	338.40	338.40	338.40	338.40	338.40	
E-5	287.10	287.10	287.10	287.10	287.10	287.10	287.10	
E-4	220.50	220.50	220.50	220.50	220.50	220.50	220.50	
E-3	169.20	169.20	169.20	169.20	169.20	169.20	169.20	
E-2	123.00	123.00	123.00	123.00	123.00	123.00	123.00	
E-1	112.80	112.80	112.80	112.80	112.80	112.80	112.80."	

Continuation
provision.

SEC. 2. Notwithstanding any other provision of law, a member of an armed force who was entitled to pay and allowances under any of the following provisions of law on the day before the effective date of this Act shall continue to receive the pay and allowances to which he was entitled on that day:

- (1) The Act of March 23, 1946, chapter 112 (60 Stat. 59).
- (2) The Act of June 26, 1948, chapter 677 (62 Stat. 1052).
- (3) The Act of September 18, 1950, chapter 952 (64 Stat. A224).

SEC. 3. The enactment of this Act does not reduce—

(1) the rate of dependency and indemnity compensation under section 411 of title 38, United States Code, that any person was receiving on the day before the effective date of this Act or which thereafter becomes payable for that day by reason of a subsequent determination; or

(2) the basic pay or the retired pay or retainer pay to which a member or former member of a uniformed service was entitled on the day before the effective date of this Act.

SEC. 4. This Act becomes effective on the first day of the first calendar month beginning after the date of enactment of this Act.

Approved August 12, 1964.

72 Stat. 1127;
77 Stat. 17, 223.

Effective date.

Public Law 88-423

AN ACT

August 13, 1964
[H. R. 10503]

To authorize appropriations for the fiscal years 1966 and 1967 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Federal-Aid Highway Act of 1964".

Federal-Aid
Highway Act of
1964.
Appropriation.

SEC. 2. For the purpose of carrying out the provisions of title 23 of the United States Code the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system and the Federal-aid secondary system and for their extension within urban areas, out of the Highway Trust Fund, \$1,000,000,000 for the fiscal year ending June 30, 1966, and \$1,000,000,000 for the fiscal year ending June 30, 1967. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 45 per centum for projects on the Federal-aid primary highway system;

(B) 30 per centum for projects on the Federal-aid secondary highway system; and

(C) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

(2) For forest highways, \$33,000,000 for the fiscal year ending June 30, 1966, and \$33,000,000 for the fiscal year ending June 30, 1967.

(3) For forest development roads and trails, \$85,000,000 for the fiscal year ending June 30, 1966, and \$85,000,000 for the fiscal year ending June 30, 1967.

(4) For public lands development roads and trails, \$2,000,000 for the fiscal year ending June 30, 1966, and \$2,000,000 for the fiscal year ending June 30, 1967.

(5) For park roads and trails, \$23,000,000 for the fiscal year ending June 30, 1966, and \$23,000,000 for the fiscal year ending June 30, 1967.

(6) For parkways, \$11,000,000 for the fiscal year ending June 30, 1966, and \$11,000,000 for the fiscal year ending June 30, 1967.

(7) For Indian reservation roads and bridges, \$18,000,000 for the fiscal year ending June 30, 1966, and \$18,000,000 for the fiscal year ending June 30, 1967.

(8) For public lands highways, \$7,000,000 for the fiscal year ending June 30, 1966, and \$7,000,000 for the fiscal year ending June 30, 1967.

SEC. 3. The second paragraph of subsection (b) of section 101 of title 23, United States Code, is amended by striking out "thirteen years" and inserting in lieu thereof "fifteen years" and by striking out "June 30, 1969", and inserting in lieu thereof "June 30, 1971".

72 Stat. 887.

SEC. 4. (a) Section 104(b)(5) of title 23 of the United States Code is amended by striking out "January 2, 1962." and inserting in lieu thereof "January 2, 1961."

(b) Section 209 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(d) Funds available for public lands highways shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities."

Bridge construction.

(c) The first sentence of subsection (b) of section 320 of title 23 of the United States Code is amended by striking out "the State" and all that follows down to and including "the Secretary" and inserting in lieu thereof: "the State in which such bridge is to be located, or the appropriate subdivision of such State, shall enter into an agreement with such agency and with the Secretary".

Forest roads, availability of funds.

(d) The first sentence of subsection (a) of section 205 of title 23, United States Code, is amended to read as follows: "Funds available for forest development roads and trails shall be used by the Secretary of Agriculture to pay for the costs of construction and maintenance thereof, including roads and trails on experimental and other areas under Forest Service administration."

Definitions.

SEC. 5. For the purposes of section 2 of this Act each of the following terms shall have the same meaning as is given it in section 101 of title 23 of the United States Code:

- (1) Forest development roads and trails;
- (2) Forest highways;
- (3) Indian reservation roads and bridges;
- (4) Park roads and trails;
- (5) Parkway;
- (6) Public lands highways;
- (7) Federal-aid primary system;
- (8) Federal-aid secondary system;
- (9) Urban area;
- (10) Public lands development roads and trails.

Approved August 13, 1964.

Public Law 88-424

AN ACT

August 13, 1964
[S. 978]

To provide medical care for certain persons engaged on board a vessel in the care, preservation, or navigation of such vessel.

Fishing vessels.
Medical care for
owners.
58 Stat. 696.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 322 of the Public Health Service Act (42 U.S.C. 249) is amended by striking out "and" at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:

"(8) Persons who own vessels registered, enrolled, or licensed under the maritime laws of the United States, who are engaged in commercial fishing operations, and who accompany such vessels on such fishing operations, and a substantial part of whose services in connection with such fishing operations are comparable to services performed by seamen employed on such vessel or on vessels engaged in similar operations."

Approved August 13, 1964.

Public Law 88-425

AN ACT

August 13, 1964
[S. 2339]

Conferring jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon the claim of Sarpy County, Nebraska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations pertaining to suits against the United States, or any lapse of time, or bars of laches, jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment upon any claim of Sarpy County, Nebraska, arising out of the closing of the north-south county road connecting Bellevue and La Platte to make way for the principal east-west runway at Offutt Air Force Base, in said county.

Sarpy County,
Nebr.
U.S. Court of
Claims jurisdiction.

SEC. 2. Suit upon any such claim may be instituted at any time within one year after the date of the enactment of this Act. Nothing in this Act shall be construed as an inference of liability on the part of the United States. Except as otherwise provided herein, proceedings for the determination of such claim, and review and payment of any judgment or judgments thereon shall be had in the same manner as in the case of claims over which such Court has jurisdiction under section 1491 of title 28 of the United States Code.

68 Stat. 1241.

Approved August 13, 1964.

Public Law 88-426

AN ACT

August 14, 1964
[H. R. 11049]

To adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes.

Government Em-
ployees Salary
Reform Act of
1964.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Government Employees Salary Reform Act of 1964".

TITLE I—FEDERAL EMPLOYEES SALARY SYSTEMS

SHORT TITLE

Federal Employ-
ees Salary Act of
1964.

SEC. 101. This title may be cited as the "Federal Employees Salary Act of 1964".

CLASSIFICATION ACT EMPLOYEES

SEC. 102. (a) Section 603(b) of the Classification Act of 1949, as amended (76 Stat. 843; 5 U.S.C. 1113(b)), is amended to read as follows:

"(b) The compensation schedule for the General Schedule shall be as follows:

"Grade	Per annum rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS-1.....	\$3,385	\$3,500	\$3,615	\$3,730	\$3,845	\$3,960	\$4,075	\$4,190	\$4,305	\$4,420
GS-2.....	3,680	3,805	3,930	4,055	4,180	4,305	4,430	4,555	4,680	4,805
GS-3.....	4,005	4,140	4,275	4,410	4,545	4,680	4,815	4,950	5,085	5,220
GS-4.....	4,480	4,630	4,780	4,930	5,080	5,230	5,380	5,530	5,680	5,830
GS-5.....	5,000	5,165	5,330	5,495	5,660	5,825	5,990	6,155	6,320	6,485
GS-6.....	5,505	5,680	5,855	6,030	6,205	6,380	6,555	6,730	6,905	7,080
GS-7.....	6,050	6,250	6,450	6,650	6,850	7,050	7,250	7,450	7,650	7,850
GS-8.....	6,630	6,850	7,070	7,290	7,510	7,730	7,950	8,170	8,390	8,610
GS-9.....	7,220	7,465	7,710	7,955	8,200	8,445	8,690	8,935	9,180	9,425
GS-10.....	7,900	8,170	8,440	8,710	8,980	9,250	9,520	9,790	10,060	10,330
GS-11.....	8,650	8,945	9,240	9,535	9,830	10,125	10,420	10,715	11,010	11,305
GS-12.....	10,250	10,605	10,960	11,315	11,670	12,025	12,380	12,735	13,090	13,445
GS-13.....	12,075	12,495	12,915	13,335	13,755	14,175	14,595	15,015	15,435	15,855
GS-14.....	14,170	14,660	15,150	15,640	16,130	16,620	17,110	17,600	18,090	18,580
GS-15.....	16,490	17,080	17,670	18,260	18,850	19,440	20,030	20,620	21,210	21,800
GS-16.....	18,935	19,590	20,245	20,900	21,555	22,210	22,865	23,520	24,175	-----
GS-17.....	21,445	22,195	22,945	23,695	24,445	-----	-----	-----	-----	-----
GS-18.....	24,500	-----	-----	-----	-----	-----	-----	-----	-----	-----

Adjustment of
rates.
Post, p. 412.

(b) Except as provided in subsection (d) of section 504 of the Federal Salary Reform Act of 1962, the rates of basic compensation of officers and employees to whom the compensation schedule set forth in subsection (a) of this section applies shall be initially adjusted as of the effective date of this section, as follows:

(1) If the officer or employee is receiving basic compensation immediately prior to the effective date of this section at one of the rates of a grade in the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the corresponding rate in effect on and after such date.

(2) If the officer or employee is receiving basic compensation immediately prior to the effective date of this section at a rate between two rates of a grade in the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the higher of the two corresponding rates in effect on and after such date.

(3) If the officer or employee is receiving basic compensation immediately prior to the effective date of this section at a rate in excess of the maximum rate for his grade, he shall receive (A)

the maximum rate for his grade in the new schedule, or (B) his existing rate of basic compensation if such existing rate is higher.

(4) If the officer or employee, immediately prior to the effective date of this section, is receiving, pursuant to section 2(b)(4) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of compensation determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111), plus subsequent increases authorized by law, he shall receive an aggregate rate of compensation equal to the sum of his existing aggregate rate of compensation, on the day preceding the effective date of this section, plus the amount of increase made by this section in the maximum rate of his grade, until (i) he leaves his position, or (ii) he is entitled to receive aggregate compensation at a higher rate by reason of the operation of this Act or any other provision of law; but, when such position becomes vacant, the aggregate rate of compensation of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to clauses (i) and (ii) of the immediately preceding sentence of this paragraph, the amount of the increase provided by this section shall be held and considered for the purpose of section 208(b) of the Act of September 1, 1954, to constitute a part of the existing rate of compensation of the employee.

69 Stat. 173.
5 USC 1113
note.
5 USC 926 note.

(5) If the officer or employee is in a position in grade 16 or 17 of the General Schedule of the Classification Act of 1949, as amended, to which he was promoted on or after the first day of his first pay period beginning on or after January 1, 1964, and if he held such position, or another position in the same grade, on the effective date of this section, his rate of basic compensation shall be adjusted, as of such effective date, to that rate of basic compensation to which he would have been entitled if the compensation schedule in subsection (a) of this section had been in effect on the date of his promotion.

(6) If the officer or employee, at any time during the period beginning on the effective date of this section and ending on the date of enactment of this Act, was promoted from one grade under the Classification Act of 1949, as amended, to another such grade at a rate which is above the minimum rate thereof, his rate of basic compensation shall be adjusted retroactively from the effective date of this section to the date on which he was so promoted, on the basis of the rate which he was receiving during the period from such effective date to the date of such promotion and, from the date of such promotion, on the basis of the rate for that step of the appropriate grade of the General Schedule contained in this section which corresponds numerically to the step of the grade of the General Schedule for such officer or employee which was in effect (without regard to this Act) at the time of such promotion.

SEC. 103. (a) Section 801 of the Classification Act of 1949 (5 U.S.C. 1131), relating to new appointments, is amended to read as follows:

Appointments,
minimum salary
level.
Exceptions.
63 Stat. 969.

"SEC. 801. All new appointments shall be made at the minimum rate of the appropriate grade, except that in accordance with regulations prescribed by the Commission which provide for such considerations as the candidate's existing salary, unusually high or unique qualifications, or a special need of the Government for his services, the head of any department may, with the approval of the Commission in each specific case, appoint individuals to positions in grade 13 and above of the General Schedule at such rate or rates above the minimum rate of the appropriate grade as the Commission

may authorize for this purpose. The approval of the Commission in each specific case shall not be required with respect to appointments made by the Librarian of Congress."

75 Stat. 786;
76 Stat. 848.

(b) Section 505(b) of the Classification Act of 1949, as amended (5 U.S.C. 1105(b)), relating to the limitation on numbers of positions in grades 16, 17, and 18 of the General Schedule of such Act, is amended by inserting "(i)" immediately following the words "in addition to", and by inserting immediately following the words "which may be placed in such grades" a comma and the following: "and (ii) two hundred and forty examiner positions under section 11 of the Administrative Procedure Act (60 Stat. 244; 5 U.S.C. 1010) which may be placed in grade 16 and nine such positions which may be placed in grade 17".

72 Stat. 214.

(c) Section 604(d)(3) of the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 944(c)(3)), is amended to read as follows:

"(3) All rates shall be computed to the nearest cent, counting one-half cent and over as a whole cent."

POSTAL FIELD SERVICE EMPLOYEES

74 Stat. 578;
76 Stat. 442.

SEC. 104. Section 1 of title 39, United States Code, is amended by striking out the period at the end of such section and inserting in lieu thereof a semicolon and the following:

"Revenue
unit."

"'revenue unit' means that amount of revenue of a post office from mail and special service transactions which is equal to the average sum of postal rates and fees received by the Department during the fiscal year for 1,000 pieces of originating mail and special service transactions determined in accordance with section 2331 of this title."

74 Stat. 602.
Classes of post
offices.

SEC. 105. Section 702 of title 39, United States Code, is amended to read as follows:

"§ 702. Classes of post offices

"(a) Effective at the beginning of each fiscal year the Postmaster General shall divide post offices into four classes on the basis of the revenue units of each office for the second preceding fiscal year. He shall place in the first class those post offices having 950 or more revenue units. He shall place in the second class those post offices having 190 or more revenue units, but fewer than 950 revenue units. He shall place in the third class those post offices having 36 or more revenue units, but fewer than 190 revenue units. He shall place in the fourth class those post offices having fewer than 36 revenue units.

"(b) The Postmaster General shall exclude from the revenue credited to a post office for the purposes of this section money received at that office for—

"(1) setting meters for patrons beyond the area served by the office unless authorized by the Department;

"(2) stamps, stamped envelopes, and postal cards sold in large or unusual quantities to be used in mailing matter at other offices; and

"(3) stamps, stamped envelopes, and postal cards sold for mailing matter diverted from other offices and mailing of matter so diverted without stamps affixed.

"(c) Whenever unusual conditions prevail at a post office of the fourth class, the Postmaster General may advance such office to the appropriate class based on his estimate of the number of revenue units which the office will have during the succeeding twelve months. Any office so advanced need not be relegated to a lower class before the end of the second fiscal year after the advancement. At that time, the office shall be assigned to the appropriate class in accordance with subsections (a) and (b) of this section."

SEC. 106. Section 704 of title 39, United States Code, is amended by deleting "of the first, second, or third class" appearing therein, and inserting in lieu thereof "(other than one for which the postmaster furnishes quarters, equipment, and fixtures on an allowance basis)".

74 Stat. 583.

SEC. 107. Subsection (b)(1) of section 2102 of title 39, United States Code, is amended to read as follows:

"(1) for post offices at which the postmaster does not furnish quarters on an allowance basis;"

SEC. 108. (a) Section 3501 of title 39, United States Code, is amended by inserting a new subsection (c) following subsection (b) as follows:

"(c) The Postmaster General shall determine and, effective at the beginning of the first pay period in each calendar year, shall adjust the rankings of all positions for which the number of annual revenue units of a post office or its class is a relevant factor of the ranking, using the revenue units of the preceding fiscal year and the class in which the office will be placed at the beginning of the next fiscal year. The Postmaster General also may adjust rankings of such positions at other times of the year based upon substantial changes in service conditions."

(b) Chapter 45 of title 39, United States Code, is amended as follows: ^{39 USC 3501-3582.}

(1) In subsection (c) of section 3513—

(A) Change the catchline to read **"POST OFFICE CLERK. (KP-4)";** and

(B) Add the following new sentence to the end of paragraph (1): "This office has fewer than 190 revenue units annually."

(2) In subsection (e) of section 3516—

(A) Change the catchline to read **"POSTMASTER. (KP-18)";**

(B) Delete "third class" in the first sentence of paragraph (1); and

(C) Delete "annual receipts of approximately \$1,700" in the second sentence of paragraph (1) and insert in lieu thereof "approximately 40 revenue units annually".

(3) In subsection (b) of section 3517—

(A) Change the catchline to read **"POSTMASTER. (KP-20)";**

(B) Delete "third class" in the first sentence of paragraph (1); and

(C) Delete "annual receipts of approximately \$4,700" in the second sentence of paragraph (1) and insert in lieu thereof "approximately 110 revenue units annually".

(4) In subsection (b) of section 3518—

(A) Change the catchline to read **"POSTMASTER. (KP-22)";**

(B) Delete "third class" in the first sentence of paragraph (1); and

(C) Delete "annual receipts of approximately \$6,000" in the second sentence of paragraph (1) and insert in lieu thereof "approximately 140 revenue units annually".

(5) In subsection (b) of section 3519—

(A) Change the catchline to read **"ASSISTANT POSTMASTER. (KP-24)";** and

(B) Delete "annual receipts of approximately \$63,000" in the second sentence of paragraph (1) and insert in lieu thereof "approximately 1,490 revenue units annually".

74 Stat. 627.

- (6) In subsection (c) of section 3519—
 (A) Change the catchline to read **"POSTMASTER. (KP-25)";**
 (B) Delete "second class" in the first sentence of paragraph (1); and
 (C) Delete "annual receipts of approximately \$16,000" in the second sentence of paragraph (1) and insert in lieu thereof "approximately 380 revenue units annually".
- (7) In subsection (b) of section 3520—
 (A) Change the catchline to read **"POSTMASTER. (KP-27)";**
 (B) Delete "first class" in the first sentence of paragraph (1); and
 (C) Delete "annual receipts of approximately \$63,000" in the second sentence of paragraph (1) and insert in lieu thereof "approximately 1,490 revenue units annually".
- (8) In subsection (b) of section 3521—
 (A) Change the catchline to read **"POSTMASTER. (KP-29)";**
 (B) Delete "first class" appearing in the first sentence of paragraph (1); and
 (C) Delete "annual receipts of \$129,000" in the second sentence of paragraph (1) and insert in lieu thereof "approximately 3,060 revenue units annually".
- (9) In subsection (b) of section 3522—
 (A) Change the catchline to read **"POSTMASTER. (KP-31)";**
 (B) Delete "first class" in the first sentence of paragraph (1); and
 (C) Delete "annual receipts of \$314,000" in the second sentence of paragraph (1) and insert in lieu thereof "approximately 7,450 revenue units annually".
- (10) In subsection (b) of section 3523—
 (A) Change the catchline to read **"POSTMASTER. (KP-33)";**
 (B) Delete "first class" appearing in the first sentence of paragraph (1); and
 (C) Delete the second sentence of paragraph (1) and insert in lieu thereof: "This office has approximately 110 employees, approximately 14,350 revenue units annually, 13 government-owned vehicle units, one classified station and 42 carrier routes within its jurisdiction."
- (11) In subsection (b) of section 3524—
 (A) Change the catchline to read **"ASSISTANT POSTMASTER. (KP-35)";** and
 (B) Delete "annual receipts of \$2,700,000" in the second sentence of paragraph (1) and insert in lieu thereof "approximately 64,000 revenue units annually".
- (12) In subsection (c) of section 3524—
 (A) Change the catchline to read **"POSTMASTER. (KP-36)";**
 (B) Delete "first class" in the first sentence of paragraph (1); and
 (C) Delete "annual receipts of \$1,000,000" in the second sentence of paragraph (1) and insert in lieu thereof "approximately 23,700 revenue units annually".
- (13) In subsection (a) of section 3525—
 (A) Change the catchline to read **"ASSISTANT POSTMASTER. (KP-37)";** and

- (B) Delete “annual receipts of \$8,460,000” in the second sentence of paragraph (1) and insert in lieu thereof “approximately 200,000 revenue units annually”.
- (14) In subsection (b) of section 3525—
- (A) Change the catchline to read **“POSTMASTER. (KP-38)”**;
- (B) Delete “first class” in the first sentence of paragraph (1); and
- (C) Delete “annual receipts of \$2,700,000” in the second sentence of paragraph (1) and insert in lieu thereof “approximately 64,000 revenue units annually”.
- (15) In subsection (a) of section 3526—
- (A) Change the catchline to read **“ASSISTANT POSTMASTER. (KP-39)”**; and
- (B) Delete “annual receipts of \$16,900,000” in the second sentence of paragraph (1) and insert in lieu thereof “approximately 400,000 revenue units annually”.
- (16) In subsection (b) of section 3526—
- (A) Change the catchline to read **“POSTMASTER. (KP-40)”**;
- (B) Delete “first class” in the first sentence of paragraph (1); and
- (C) Delete “annual receipts of \$4,470,000” in the second sentence of paragraph (1) and insert in lieu thereof “approximately 106,000 revenue units annually”.
- (17) In subsection (b) of section 3527—
- (A) Change the catchline to read **“ASSISTANT POSTMASTER. (KP-42)”**; and
- (B) Delete “annual receipts of \$48,000,000” in the second sentence of paragraph (1) and insert in lieu thereof “approximately 1,000,000 revenue units annually”.
- (18) In subsection (c) of section 3527—
- (A) Change the catchline to read **“POSTMASTER. (KP-43)”**;
- (B) Delete “first class” in the first sentence of paragraph (1); and
- (C) Delete “annual receipts of \$8,460,000” in the second sentence of paragraph (1) and insert in lieu thereof “approximately 200,000 revenue units annually”.
- (19) In subsection (b) of section 3528—
- (A) Change the catchline to read **“ASSISTANT POSTMASTER. (KP-45)”**; and
- (B) Delete “annual receipts of \$140,000,000” in the second sentence of paragraph (1) and insert in lieu thereof “approximately 2,500,000 revenue units annually”.
- (20) In subsection (c) of section 3528—
- (A) Change the catchline to read **“POSTMASTER. (KP-46)”**;
- (B) Delete “first class” in the first sentence of paragraph (1); and
- (C) Delete “annual receipts of \$16,900,000” in the second sentence of paragraph (1) and insert in lieu thereof “approximately 400,000 revenue units annually”.
- (21) In section 3529—
- (A) Change the catchline immediately preceding paragraph (1) to read **“POSTMASTER. (KP-47)”**;
- (B) Delete “first class” in the first sentence of paragraph (1); and

SEC. 111. (a) Section 3544 of title 39, United States Code, is amended, to read as follows:

76 Stat. 853.

“§ 3544. Fourth Class Office Schedule

“(a) There is established a basic compensation schedule which shall be known as the Fourth Class Office Schedule and for which the symbol shall be ‘FOS’, for postmasters in post offices of the fourth class which is based on the revenue units of the post office for the preceding fiscal year. Basic compensation shall be paid to postmasters in post offices of the fourth class in accordance with this schedule.

“FOURTH-CLASS OFFICE SCHEDULE

“Revenue units	Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
30 but less than 36.....	\$3,769	\$3,894	\$4,019	\$4,144	\$4,269	\$4,394	\$4,519	\$4,644	\$4,769	\$4,894	\$5,019	\$5,144
24 but less than 30.....	3,485	3,600	3,715	3,830	3,945	4,060	4,175	4,290	4,405	4,520	4,635	4,750
18 but less than 24.....	2,877	2,974	3,071	3,168	3,265	3,362	3,459	3,556	3,653	3,750	3,847	3,944
12 but less than 18.....	2,258	2,331	2,404	2,477	2,550	2,623	2,696	2,769	2,842	2,915	2,988	3,061
6 but less than 12.....	1,623	1,680	1,732	1,784	1,836	1,888	1,940	1,992	2,044	2,096	2,148	2,200
Less than 6.....	1,313	1,355	1,397	1,439	1,481	1,523	1,565	1,607	1,649	1,691	1,733	1,775”

“(b) The basic salary of postmasters in fourth-class post offices shall be readjusted for changes in revenue units at the start of the first pay period after January 1 of each year. When a post office is restored to a revenue unit category held by it prior to relegation to a lower revenue unit category, the postmaster's basic salary may be adjusted to the highest salary step held by him when the post office was in the higher revenue unit category. In all other cases, in adjusting a postmaster's basic salary under this section, the basic salary shall be fixed at the lowest step which is higher than the basic salary received by the postmaster at the end of the preceding fiscal year. If there is no such step the basic salary shall be fixed at the highest step for the adjusted revenue units of the office. Each increase in basic salary because of change in revenue units shall be deemed the equivalent of a step increase under section 3552 of this title and the waiting period, for purposes of advancement to the next step, shall begin on the date of adjustment.

Post, pp. 408, 409.

“(c) The basic salaries of postmasters at newly established offices of the fourth class shall be fixed at the lowest salary rate. Whenever unusual conditions prevail at any post office of the fourth class the Postmaster General may advance such office to the appropriate category based on his estimate of the number of revenue units which the office will have during the succeeding twelve months. Any fourth-class office advanced to the appropriate category pursuant to this subsection shall not be reduced in category until the start of the first pay period after January 1 of the calendar year following the calendar year in which it was so advanced, at which time it shall be assigned to the category indicated by the revenue units for the preceding fiscal year.

“(d) Persons who perform the duties of postmaster at post offices of the fourth class where there is a vacancy or during the absence of the postmaster on sick or annual leave, or leave without pay, shall be paid the same basic salary to which they would have been entitled if regularly appointed as postmaster.

“(e) The Postmaster General may allow to postmasters in fourth-class post offices additional compensation for separating services and for unusual conditions during a portion of the year, in lieu of an allowance for clerical services for this purpose.

“(f) At seasonal post offices of the fourth class, the Postmaster General may authorize the payment of the basic salary prorated over the pay periods the office is open for business during the fiscal year.

“(g) Where the revenue units of a post office of the third class for each of two consecutive fiscal years are less than 36, or where in any fiscal year the revenue units are less than 33, the post office shall be relegated to the fourth class and the basic salary of the postmaster shall be fixed in the manner provided in subsection (b) of this section.

“(h) When required by the Postmaster General a postmaster at a fourth-class office shall, and any other postmaster in PFS level 5 when permitted by the Postmaster General may, furnish quarters, fixtures, and equipment for an office on an allowance basis. The allowance for this purpose shall be an amount equal to 15 per centum of the basic compensation for the postmaster at the office.”

(b) As of the effective date of this section, the Postmaster General shall place the position of each postmaster in a fourth-class office in the appropriate revenue units category of the Fourth-Class Office Schedule (FOS) determined on the basis of revenue units for the fiscal year ending June 30, 1963. The Postmaster General shall assign each such postmaster to the lowest step of the appropriate revenue units category which will provide him compensation not less than 110 per centum of the compensation to which he would otherwise be entitled under FOS II (as it existed immediately prior to the effective date of this section). If there is no such step or category, the postmaster shall be paid compensation at the rate of 110 per centum of the compensation to which he would otherwise be entitled under FOS II (as it existed immediately prior to the effective date of this section).

(c) If changes in the gross receipts category or changes in salary step would occur on the effective date of this section (without regard to the enactment of this section), such changes shall be deemed to have occurred prior to any action taken under subsection (b) of this section.

74 Stat. 687. SEC. 112. (a) Subsection (a) of section 6007 of title 39, United States Code, is amended to read as follows:

“(a) The Postmaster General shall pay to persons, other than special delivery messengers at post offices of the first class, for making delivery of special delivery mail such fees as may be established by him not in excess of the special delivery fee.”

(b) Section 2009 of title 39, United States Code, is amended by deleting “at any price less than eight cents per piece” and inserting in lieu thereof “at any price less than the fees established pursuant to section 6007(a) of this title.”

75 Stat. 569. SEC. 113. Section 3560 of title 39, United States Code, is amended—

(1) by striking out “gross receipts” in subsection (a)(3) and inserting in lieu thereof “revenue unit”; and

(2) by striking out “gross receipts” in subsection (f)(1) and inserting in lieu thereof “revenue unit”.

76 Stat. 854. SEC. 114. (a) Section 3552(a) of title 39, United States Code, is amended to read as follows:

“(a)(1) Each employee subject to the Postal Field Service Schedule, each employee subject to the Rural Carrier Schedule, and each employee subject to the Fourth Class Office Schedule who has not reached the highest step for his position shall be advanced successively to the next higher step as follows:

“(A) to steps 2, 3, 4, 5, 6, and 7—at the beginning of the first pay period following the completion of fifty-two calendar weeks of satisfactory service; and

“(B) to steps 8 and above—at the beginning of the first pay period following the completion of one hundred and fifty-six calendar weeks of satisfactory service.

“(2) The receipt of an equivalent increase during any of the waiting periods specified in this subsection shall cause a new full waiting period to commence for further step increases.”

(b) Section 3552 of title 39, United States Code, is further amended by adding the following new subsection at the end thereof:

76 Stat. 854.

“(d) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, the Postmaster General is authorized to advance any employee in PFS level 9 or below who—

“(1) was promoted to a higher level between July 9, 1960, and October 13, 1962; and

“(2) is senior with respect to total postal service to an employee in his own post office promoted to the same position since October 13, 1962, and is at a step in the level below the step of the junior employee.

Any increase under the provisions of this subsection shall not constitute an equivalent increase and credit earned prior to adjustment under this subsection for advancement to the next step shall be retained.”

SEC. 115. (a) Section 711 of title 39, United States Code, is repealed.

Repeal.
74 Stat. 584.

(b) The table of contents of chapter 7 of title 39, United States Code, is amended by deleting

“711. Method of determining gross receipts.”

SEC. 116. The basic compensation of each employee subject to the Postal Field Service Schedule or the Rural Carrier Schedule immediately prior to the effective date of this section shall be determined as follows:

Compensation
schedules.
Adjustment of
rates.

(1) Each employee shall be assigned to the same numerical step for his position which he had attained immediately prior to such effective date. If changes in levels or steps would otherwise occur on such effective date without regard to enactment of this Act, such changes shall be deemed to have occurred prior to conversion.

(2) If the existing basic compensation is greater than the rate to which the employee is converted under paragraph (1) of this section, the employee shall be placed in the lowest step which exceeds his basic compensation. If the existing basic compensation exceeds the maximum step of his position, his existing basic compensation shall be established as his basic compensation.

EMPLOYEES IN THE DEPARTMENT OF MEDICINE AND SURGERY OF THE VETERANS' ADMINISTRATION

SEC. 117. (a) Section 4103 of title 38, United States Code, relating to the appointment and annual salaries of certain staff positions in the Department of Medicine and Surgery of the Veterans' Administration, is amended to read as follows:

72 Stat. 1243;
76 Stat. 859.

“§ 4103. Office of the Chief Medical Director

“(a) The Office of the Chief Medical Director shall consist of the following—

“(1) The Chief Medical Director, who shall be the Chief of the Department of Medicine and Surgery and shall be directly responsible to the Administrator for the operations of the Department. He shall be a qualified doctor of medicine, appointed by the Administrator.

“(2) The Deputy Chief Medical Director, who shall be the principal assistant of the Chief Medical Director. He shall be a qualified doctor of medicine, appointed by the Administrator.

“(3) Not to exceed five Assistant Chief Medical Directors, who shall be appointed by the Administrator upon the recommendation

of the Chief Medical Director. One Assistant Chief Medical Director shall be a qualified doctor of dental surgery or dental medicine who shall be directly responsible to the Chief Medical Director for the operation of the Dental Service.

“(4) Such Medical Directors as may be appointed by the Administrator, upon the recommendation of the Chief Medical Director, to suit the needs of the Department. A Medical Director shall be either a qualified doctor of medicine or a qualified doctor of dental surgery or dental medicine.

“(5) A Director of Nursing Service, who shall be a qualified registered nurse, appointed by the Administrator, and who shall be responsible to the Chief Medical Director for the operation of the Nursing Service.

“(6) A Chief Pharmacist and a Chief Dietitian, appointed by the Administrator.

“(7) Such other personnel and employees as may be authorized by this chapter.

“(b) Except as provided in subsection (c), any appointment under this section shall be for a period of four years, with reappointment permissible for successive like periods, except that persons so appointed or reappointed shall be subject to removal by the Administrator for cause.

“(c) The Administrator may designate a member of the Chaplain Service of the Veterans' Administration as Director, Chaplain Service, for a period of two years, subject to removal by the Administrator for cause. Redesignation under this subsection may be made for successive like periods. An individual designated as Director, Chaplain Service, shall at the end of his period of service as Director revert to the position, grade, and status which he held immediately prior to being designated Director, Chaplain Service, and all service as Director, Chaplain Service, shall be creditable as service in the former position.”

(b) The table of contents of chapter 73 of title 38, United States Code, is amended by striking out

“4103. Appointments and compensation.”

and inserting in lieu thereof:

“4103. Office of the Chief Medical Director.”.

(c) Section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), shall not apply to any individual appointed, before January 1, 1964, as Chief Medical Director under section 4103 of title 38, United States Code; but section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a), shall apply, in accordance with its terms, to any such individual.

Sec. 118. Section 4107 of title 38, United States Code, relating to grades and pay scales for certain positions within the Department of Medicine and Surgery of the Veterans' Administration, is amended to read as follows:

“§ 4107. Grades and pay scales

“(a) The per annum full-pay scale or ranges for positions provided in section 4103 of this title, other than Chief Medical Director and Deputy Chief Medical Director, shall be as follows:

“SECTION 4103 SCHEDULE

“Assistant Chief Medical Director, \$24,500.

“Medical Director, \$21,445 minimum to \$24,445 maximum.

“Director of Nursing Service, \$16,460 minimum to \$21,590 maximum.

28 Stat. 205;
43 Stat. 245; *Post*,
p. 492.

47 Stat. 406;
Post, p. 494.

76 Stat. 860.

"Director, Chaplain Service, \$16,460 minimum to \$21,590 maximum.
"Chief Pharmacist, \$16,460 minimum to \$21,590 maximum.
"Chief Dietitian, \$16,460 minimum to \$21,590 maximum.

"(b) (1) The grades and per annum full-pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

72 Stat. 1244.

"PHYSICIAN AND DENTIST SCHEDULE

"Director grade, \$18,935 minimum to \$24,175 maximum.
"Executive grade, \$17,655 minimum to \$23,190 maximum.
"Chief grade, \$16,460 minimum to \$21,590 maximum.
"Senior grade, \$14,170 minimum to \$18,580 maximum.
"Intermediate grade, \$12,075 minimum to \$15,855 maximum.
"Full grade, \$10,250 minimum to \$13,445 maximum.
"Associate grade, \$8,650 minimum to \$11,305 maximum.

"NURSE SCHEDULE

"Assistant Director grade, \$14,170 minimum to \$18,580 maximum.
"Chief grade, \$12,075 minimum to \$15,855 maximum.
"Senior grade, \$10,250 minimum to \$13,445 maximum.
"Intermediate grade, \$8,650 minimum to \$11,305 maximum.
"Full grade, \$7,220 minimum to \$9,425 maximum.
"Associate grade, \$6,315 minimum to \$8,205 maximum.
"Junior grade, \$5,505 minimum to \$7,170 maximum.

"(2) No person may hold the director grade unless he is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). No person may hold the executive grade unless he holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or the position of clinic director at an outpatient clinic, or comparable position."

FOREIGN SERVICE OFFICERS; STAFF OFFICERS AND EMPLOYEES

SEC. 119. Section 412 of the Foreign Service Act of 1946, as amended (22 U.S.C. 867), is amended to read as follows:

70 Stat. 704;
76 Stat. 861.

"FOREIGN SERVICE OFFICERS

"SEC. 412. There shall be ten classes of Foreign Service officers, including the classes of career ambassador and of career minister. The per annum salary of a career ambassador shall be at the rate provided by law for level IV of the Federal Executive Salary Schedule. The per annum salary of a career minister shall be at the rate provided by law for level V of such schedule. The per annum salaries of Foreign Service officers within each of the other classes shall be as follows:

Post, p. 417.

"Class 1.....	\$22,650	\$23,440	\$24,500				
Class 2.....	18,295	18,930	19,565	\$20,200	\$20,835	\$21,470	\$22,105
Class 3.....	14,860	15,375	15,890	16,405	16,920	17,435	17,950
Class 4.....	12,075	12,495	12,915	13,335	13,755	14,175	14,595
Class 5.....	9,945	10,290	10,635	10,980	11,325	11,670	12,015
Class 6.....	8,295	8,580	8,865	9,150	9,435	9,720	10,005
Class 7.....	7,010	7,245	7,480	7,715	7,950	8,185	8,420
Class 8.....	6,050	6,250	6,450	6,650	6,850	7,050	7,250".

SEC. 120. Subsection (a) of section 415 of such Act (22 U.S.C. 870(a)) is amended to read as follows:

76 Stat. 862.

“(a) There shall be ten classes of Foreign Service staff officers and employees, referred to hereafter as staff officers and employees. The per annum salaries of such staff officers and employees within each class shall be as follows:

"Class 1.....	\$14,860	\$15,375	\$15,890	\$16,405	\$16,920	\$17,435	\$17,950	\$18,465	\$18,980	\$19,495
Class 2.....	12,075	12,495	12,915	13,335	13,755	14,175	14,595	15,015	15,435	15,855
Class 3.....	9,945	10,290	10,635	10,980	11,325	11,670	12,015	12,360	12,705	13,050
Class 4.....	8,295	8,580	8,865	9,150	9,435	9,720	10,005	10,290	10,575	10,860
Class 5.....	7,480	7,735	7,990	8,245	8,500	8,755	9,010	9,265	9,520	9,775
Class 6.....	6,755	6,980	7,205	7,430	7,655	7,880	8,105	8,330	8,555	8,780
Class 7.....	6,205	6,410	6,615	6,820	7,025	7,230	7,435	7,640	7,845	8,050
Class 8.....	5,490	5,675	5,860	6,045	6,230	6,415	6,600	6,785	6,970	7,155
Class 9.....	5,010	5,175	5,340	5,505	5,670	5,835	6,000	6,165	6,330	6,495
Class 10.....	4,480	4,630	4,780	4,930	5,080	5,230	5,380	5,530	5,680	5,830".

SEC. 121. Foreign Service officers, Reserve officers, and Foreign Service staff officers and employees who are entitled to receive basic compensation immediately prior to the effective date of this section at one of the rates provided by section 412 or 415 of the Foreign Service Act of 1946, shall receive basic compensation, on and after such effective date, at the rate of their class determined to be appropriate by the Secretary of State.

AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY COMMITTEE EMPLOYEES

SEC. 122. The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 102 of this Act for corresponding rates of compensation in the appropriate schedule or scale of pay.

MISCELLANEOUS PROVISIONS

SEC. 123. Section 504 of the Federal Salary Reform Act of 1962 (76 Stat. 842; 5 U.S.C. 1173) is amended by adding at the end thereof the following new subsection:

“(d) The rate of basic compensation, established under this section, and received by any officer or employee immediately prior to the effective date of a statutory increase in the compensation schedules of the salary systems specified in subsection (a) shall be initially adjusted on the effective date of such new compensation schedules in accordance with conversion rules and regulations prescribed by the President or by such agency or agencies as he may designate.”

SEC. 124. Subsection (b) of the first section of the Act entitled “An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes”, approved August 25, 1958 (72 Stat. 838; 3 U.S.C. note fol. 102), is amended by striking out “\$50,000” and inserting in lieu thereof “\$65,000”.

ABSORPTION OF COSTS

SEC. 125. (a) The cost of not less than 10 per centum of the aggregate amount of the increases in compensation provided by this title for the fiscal year 1965 shall be absorbed by the departments, agencies, establishments, and corporations in the executive branch; and no amount beyond the additional sum for such compensation increases proposed in the budget for the fiscal year 1965 is authorized to be appropriated by any provision of this Act. The total amount of such absorption shall be allocated by the Bureau of the Budget among such

Ante, p. 400.

Former U.S.
Presidents.

departments, agencies, establishments, and corporations in such manner and to such extent as the Director of the Bureau of the Budget deems appropriate in the light of their essential functions.

(b) Pursuant to the objective of this section, heads of the executive branch activities concerned are directed to review with meticulous care each vacancy resulting from voluntary resignation, retirement, or death and to determine whether the duties of the position can be reassigned to other employees or whether the position can be abolished without seriously affecting the execution of essential functions.

Position vacancies, review.

(c) Nothing contained in subsection (a) of this section shall be held or considered to require (1) the separation from the service of any individual by reduction in force or other personnel action or (2) the placing of any individual in a leave-without-pay status.

TITLE II—FEDERAL LEGISLATIVE SALARIES

SEC. 201. This title may be cited as the "Federal Legislative Salary Act of 1964".

Federal Legislative Salary Act of 1964.

SEC. 202. (a) Each officer or employee in or under the legislative branch of the Government whose rate of compensation is increased by section 5 of the Federal Employees Pay Act of 1946 shall be paid additional compensation in an amount equal to the greater of the following amounts, as applicable:

60 Stat. 217.
5 USC 931, 932.

(1) an amount equal to $3\frac{1}{2}$ per centum of his gross rate of compensation (basic compensation plus additional compensation authorized by law) in effect immediately prior to the effective date of this section plus 1 per centum of such gross rate for each whole multiple, or part of a multiple, of \$500 basic compensation; or

(2) an amount equal to 5 per centum of such gross rate.

(b) The total annual compensation in effect immediately prior to the effective date of this section of each officer or employee of the House of Representatives, whose compensation is disbursed by the Clerk of the House of Representatives and is not increased by reason of any other provision of this title, shall be increased by an amount which is equal to the amount of the increase provided by subsection (a) of this section in that gross rate which is nearest in amount to the total annual compensation of such officer or employee.

(c) Each of the limitations on gross rate per thousand and gross rate per hour per person provided by applicable law on the effective date of this section with respect to the folding of speeches and pamphlets for the House of Representatives shall be increased by 7 per centum. The amount of each increase under this subsection shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

(d) The additional compensation provided by this section shall be considered a part of basic compensation for the purposes of the Civil Service Retirement Act (5 U.S.C. 2251 and the following).

70 Stat. 743;
76 Stat. 869.

(e) The basic compensation of each employee in the office of a Senator is hereby adjusted, effective on the first day of the month following the date of enactment of this Act, to the lowest multiple of \$60 which will provide a gross rate of compensation not less than the gross rate such employee was receiving immediately prior thereto, except that the foregoing provisions of this subsection shall not apply in the case of any employee if on or before the fifteenth day following the date of enactment of this Act, the Senator by whom such employee is employed notifies the disbursing office of the Senate in writing that he does not wish such provisions to apply to such employee. No employee whose basic compensation is adjusted under this sub-

section shall receive any additional compensation under subsection (a) for any period prior to the effective date of such adjustment during which such employee was employed in the office of the Senator by whom he is employed on the first day of the month following the enactment of this Act. No additional compensation shall be paid to any person under subsection (a) for any period prior to the first day of the month following the date of enactment of this Act during which such person was employed in the office of a Senator (other than a Senator by whom he is employed on such day) unless on or before the fifteenth day following the date of enactment of this Act such Senator notifies the disbursing office of the Senate in writing that he wishes such employee to receive such additional compensation for such period. In any case in which, at the expiration of the time within which a Senator may give notice under this subsection, such Senator is deceased such notice shall be deemed to have been given.

Senate officers.

(f) Notwithstanding the provision referred to in subsection (g), the rates of gross compensation of the Secretary for the Majority of the Senate, the Secretary for the Minority of the Senate, the Official Reporters of Debates of the Senate, the Parliamentarian of the Senate, the Senior Counsel in the Office of the Legislative Counsel of the Senate, and the Chief Clerk of the Senate are hereby increased by an amount which is equal to the amount of the increase which would be provided by subsection (a) of this section in that gross rate determined without regard to the provisions referred to in subsection (g) of this section which is nearest in amount to the total annual compensation of such officer or employee.

(g) The paragraph imposing limitations on basic and gross compensation of officers and employees of the Senate appearing under the heading "SENATE" in the Legislative Appropriation Act, 1956, as amended (74 Stat. 304; Public Law 86-568), is amended by striking out "\$18,880" and inserting in lieu thereof "\$22,945".

76 Stat. 867.
2 USC 60a note.

(h) The limitation on gross rate per hour per person provided by applicable law on the effective date of this section with respect to the folding of speeches and pamphlets for the Senate is hereby increased by 7 per centum. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent. The provisions of subsection (a) of this section shall not apply to employees whose compensation is subject to such limitation.

Postmaster.

(i) The gross rate of compensation of the Postmaster of the Senate shall be \$18,420, and the gross rate of compensation of the Assistant Postmaster of the Senate shall be \$14,570. The provisions of section 106 of the Legislative Branch Appropriation Act, 1963, shall not hereafter apply to employees referred to in this subsection.

76 Stat. 694.
2 USC 60j and
notes.
Committee
staffs.
60 Stat. 835;
72 Stat. 209.

(j) Section 202(e) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(e)), is amended—

(1) by striking out "\$8,880" where it first appears in such subsection and inserting in lieu thereof "the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended"; and

(2) by striking out "\$8,880" at the second place where it appears in such subsection and inserting in lieu thereof "the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended".

(k)(1) This subsection is enacted as an exercise of the rule making power of the House of Representatives with full recognition of the constitutional right of the House of Representatives to change the rule amended by this subsection at any time, in the same manner,

and to the same extent as in the case of any other rule of the House of Representatives.

(2) Clause 28(c) of Rule XI of the Rules of the House of Representatives is amended—

(A) by striking out “\$8,880” where it first appears in such clause and inserting in lieu thereof “the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended,”; and

(B) by striking out “\$8,880” at the second place where it appears in such clause and inserting in lieu thereof “the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended”.

SEC. 203. (a) The compensation of the Comptroller General of the United States shall be at the rate of \$30,000 per annum. Comptroller General *et al.*

(b) The compensation of the Assistant Comptroller General of the United States shall be at the rate of \$28,500 per annum.

(c) The compensation of the General Counsel of the United States General Accounting Office, the Librarian of Congress, the Public Printer, and the Architect of the Capitol shall be at the rate of \$27,000 per annum.

(d) The compensation of the Deputy Librarian of Congress, the Deputy Public Printer, and the Assistant Architect of the Capitol shall be at the rate of \$25,500 per annum.

(e) The compensation of the Second Assistant Architect of the Capitol shall be at the rate of \$23,500 per annum.

(f) The compensation of the Chaplain of the House of Representatives shall be at the rate of \$12,500 per annum.

(g) The compensation of the Secretary of the Senate, the Sergeant at Arms of the Senate, and the Legislative Counsel of the Senate shall be at the rate of \$27,500 per annum.

(h) The compensation of the Chaplain of the Senate shall be at the rate of \$15,000 per annum.

SEC. 204. Section 601(a) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 31), is amended to read as follows:

Members of Congress.
69 Stat. 11.

“(a) The compensation of Senators, Representatives in Congress, and the Resident Commissioner from Puerto Rico shall be at the rate of \$30,000 per annum each; and the compensation of the Speaker of the House of Representatives shall be at the rate of \$43,000 per annum.”

SEC. 205. No officer or employee subject to section 202(a) or 202(b) of this title shall receive, by reason of any provision of this title, an increase in gross rate of compensation (basic compensation plus additional compensation authorized by law), or in total annual compensation, which is in excess of the amount of the increase in basic compensation provided by the amendment made by section 102(a) of title I of this Act for positions in grade 18 of the General Schedule of the Classification Act of 1949, as amended.

Ante, p. 400.

TITLE III—FEDERAL EXECUTIVE SALARIES

SEC. 301. This title may be cited as the “Federal Executive Salary Act of 1964”.

Federal Executive Salary Act of 1964.

SEC. 302. There is hereby established for offices and positions to which section 303 of this title applies a basic compensation schedule, to be known as the “Federal Executive Salary Schedule”, which shall be divided into five salary levels.

Offices and
positions at
\$35,000.

SEC. 303. (a) Level I of the Federal Executive Salary Schedule shall apply to the following offices and positions, for which the annual rate of basic compensation shall be \$35,000:

- (1) Secretary of State.
- (2) Secretary of the Treasury.
- (3) Secretary of Defense.
- (4) Attorney General.
- (5) Postmaster General.
- (6) Secretary of the Interior.
- (7) Secretary of Agriculture.
- (8) Secretary of Commerce.
- (9) Secretary of Labor.
- (10) Secretary of Health, Education, and Welfare.

Offices and
positions at
\$30,000.

(b) Level II of the Federal Executive Salary Schedule shall apply to the following offices and positions, for which the annual rate of basic compensation shall be \$30,000:

- (1) Deputy Secretary of Defense.
- (2) Under Secretary of State.
- (3) Administrator, Agency for International Development.
- (4) Administrator of the National Aeronautics and Space Administration.
- (5) Administrator of Veterans' Affairs.
- (6) Administrator of the Housing and Home Finance Agency.
- (7) Administrator of the Federal Aviation Agency.
- (8) Chairman, Atomic Energy Commission.
- (9) Chairman, Council of Economic Advisers.
- (10) Chairman, Board of Governors of the Federal Reserve System.
- (11) Director of the Bureau of the Budget.
- (12) Director of the Office of Science and Technology.
- (13) Director of the United States Arms Control and Disarmament Agency.
- (14) Director of the United States Information Agency.
- (15) Director of the Federal Bureau of Investigation, Department of Justice, so long as the position is held by the present incumbent: *Provided*, That thereafter the position shall be placed in level III.
- (16) Director of Central Intelligence.
- (17) Secretary of the Air Force.
- (18) Secretary of the Army.
- (19) Secretary of the Navy.

Offices and
positions at
\$28,500.

(c) Level III of the Federal Executive Salary Schedule shall apply to the following offices and positions, for which the annual rate of basic compensation shall be \$28,500:

- (1) Deputy Attorney General.
- (2) Solicitor General of the United States.
- (3) Deputy Postmaster General.
- (4) Under Secretary of Agriculture.
- (5) Under Secretary of Commerce.
- (6) Under Secretary of Commerce for Transportation.
- (7) Under Secretary of Health, Education, and Welfare.
- (8) Under Secretary of the Interior.
- (9) Under Secretary of Labor.
- (10) Under Secretary of State for Political Affairs or Under Secretary of State for Economic Affairs.
- (11) Under Secretary of the Treasury.
- (12) Under Secretary of the Treasury for Monetary Affairs.
- (13) Administrator of General Services.
- (14) Administrator of the Small Business Administration.

- (15) Deputy Administrator of Veterans' Affairs.
 - (16) Deputy Administrator, Agency for International Development.
 - (17) Chairman, Civil Aeronautics Board.
 - (18) Chairman of the United States Civil Service Commission.
 - (19) Chairman, Federal Communications Commission.
 - (20) Chairman, Board of Directors, Federal Deposit Insurance Corporation.
 - (21) Chairman of the Federal Home Loan Bank Board.
 - (22) Chairman, Federal Power Commission.
 - (23) Chairman, Federal Trade Commission.
 - (24) Chairman, Interstate Commerce Commission.
 - (25) Chairman, National Labor Relations Board.
 - (26) Chairman, Securities and Exchange Commission.
 - (27) Chairman, Board of Directors of the Tennessee Valley Authority.
 - (28) Chairman, National Mediation Board.
 - (29) Chairman, Railroad Retirement Board.
 - (30) Chairman, Federal Maritime Commission.
 - (31) Comptroller of the Currency.
 - (32) Commissioner of Internal Revenue.
 - (33) Director of Defense Research and Engineering, Department of Defense.
 - (34) Deputy Administrator of the National Aeronautics and Space Administration.
 - (35) Deputy Director of the Bureau of the Budget.
 - (36) Deputy Director of Central Intelligence.
 - (37) Director of the Office of Emergency Planning.
 - (38) Director of the Peace Corps.
 - (39) Director of Selective Service, so long as the position is held by the present incumbent: *Provided*, That thereafter the position shall be placed in Level IV.
 - (40) Chief Medical Director in the Department of Medicine and Surgery of the Veterans' Administration.
 - (41) Director of the National Science Foundation.
 - (42) Deputy Administrator of the Housing and Home Finance Agency.
 - (43) President of the Export-Import Bank of Washington.
 - (44) Members, Atomic Energy Commission.
 - (45) Members, Board of Governors of the Federal Reserve System.
 - (46) Associate Director of the Federal Bureau of Investigation, Department of Justice, so long as the position is held by the present incumbent: *Provided*, That thereafter the position shall be placed in Level IV.
- (d) Level IV of the Federal Executive Salary Schedule shall apply to the following offices and positions, for which the annual rate of basic compensation shall be \$27,000:
- (1) Administrator, Bureau of Security and Consular Affairs, Department of State.
 - (2) Deputy Administrator of the Federal Aviation Agency.
 - (3) Deputy Administrator of General Services.
 - (4) Associate Administrator of the National Aeronautics and Space Administration.
 - (5) Assistant Administrators, Agency for International Development (6).
 - (6) Regional Assistant Administrators, Agency for International Development (4).
 - (7) Under Secretary of the Air Force.

Offices and
positions at
\$27,000.

- (8) Under Secretary of the Army.
- (9) Under Secretary of the Navy.
- (10) Deputy Under Secretaries of State (2).
- (11) Assistant Secretaries of Agriculture (3).
- (12) Assistant Secretaries of Commerce (4).
- (13) Assistant Secretaries of Defense (7).
- (14) Assistant Secretaries of the Air Force (3).
- (15) Assistant Secretaries of the Army (3).
- (16) Assistant Secretaries of the Navy (3).
- (17) Assistant Secretaries of Health, Education, and Welfare (2).
- (18) Assistant Secretaries of the Interior (4).
- (19) Assistant Attorneys General (9).
- (20) Assistant Secretaries of Labor (4).
- (21) Assistant Postmasters General (5).
- (22) Assistant Secretaries of State (11).
- (23) Assistant Secretaries of the Treasury (4).
- (24) Chairman of the United States Tariff Commission.
- (25) Commissioner, Community Facilities Administration.
- (26) Commissioner, Federal Housing Administration.
- (27) Commissioner, Public Housing Administration.
- (28) Commissioner, Urban Renewal Administration.
- (29) Director of Civil Defense, Department of the Army.
- (30) Director of the Federal Mediation and Conciliation Service.
- (31) Deputy Chief Medical Director in the Department of Medicine and Surgery of the Veterans' Administration.
- (32) Deputy Director of the Office of Emergency Planning.
- (33) Deputy Director of the Office of Science and Technology.
- (34) Deputy Director of the Peace Corps.
- (35) Deputy Director of the United States Arms Control and Disarmament Agency.
- (36) Deputy Director of the United States Information Agency.
- (37) Assistant Directors of the Bureau of the Budget (3).
- (38) General Counsel of the Department of Agriculture.
- (39) General Counsel of the Department of Commerce.
- (40) General Counsel of the Department of Defense.
- (41) General Counsel of the Department of Health, Education, and Welfare.
- (42) Solicitor of the Department of the Interior.
- (43) Solicitor of the Department of Labor.
- (44) General Counsel of the National Labor Relations Board.
- (45) General Counsel of the Post Office Department.
- (46) Counselor of the Department of State.
- (47) Legal Adviser of the Department of State.
- (48) General Counsel of the Department of the Treasury.
- (49) First Vice President of the Export-Import Bank of Washington.
- (50) General Manager of the Atomic Energy Commission.
- (51) Governor of the Farm Credit Administration.
- (52) Inspector General, Foreign Assistance.
- (53) Deputy Inspector General, Foreign Assistance.
- (54) Members, Civil Aeronautics Board.
- (55) Members, Council of Economic Advisers.
- (56) Members, Board of Directors of the Export-Import Bank of Washington.
- (57) Members, Federal Communications Commission.

(58) Member, Board of Directors of the Federal Deposit Insurance Corporation.

(59) Members, Federal Home Loan Bank Board.

(60) Members, Federal Power Commission.

(61) Members, Federal Trade Commission.

(62) Members, Interstate Commerce Commission.

(63) Members, National Labor Relations Board.

(64) Members, Securities and Exchange Commission.

(65) Members, Board of Directors of the Tennessee Valley Authority.

(66) Members, United States Civil Service Commission.

(67) Members, Federal Maritime Commission.

(68) Members, National Mediation Board.

(69) Members, Railroad Retirement Board.

(e) Level V of the Federal Executive Salary Schedule shall apply to the following offices and positions, for which the annual rate of basic compensation shall be \$26,000:

Offices and
positions at
\$26,000.

(1) Administrator, Agricultural Marketing Service, Department of Agriculture.

(2) Administrator, Agricultural Research Service, Department of Agriculture.

(3) Administrator, Agricultural Stabilization and Conservation Service, Department of Agriculture.

(4) Administrator, Farmers Home Administration.

(5) Administrator, Foreign Agricultural Service, Department of Agriculture.

(6) Administrator, Rural Electrification Administration, Department of Agriculture.

(7) Administrator, Soil Conservation Service, Department of Agriculture.

(8) Administrator, Bonneville Power Administration, Department of the Interior.

(9) Administrator of the National Capital Transportation Agency.

(10) Administrator of the Saint Lawrence Seaway Development Corporation.

(11) Deputy Administrators of the Small Business Administration (4).

(12) Associate Administrator for Administration, Federal Aviation Agency.

(13) Associate Administrator for Development, Federal Aviation Agency.

(14) Associate Administrator for Programs, Federal Aviation Agency.

(15) Associate Administrator for Advanced Research and Technology, National Aeronautics and Space Administration.

(16) Associate Administrator for Space Science and Applications, National Aeronautics and Space Administration.

(17) Associate Administrator for Manned Space Flight, National Aeronautics and Space Administration.

(18) Associate Deputy Administrator, National Aeronautics and Space Administration.

(19) Deputy Associate Administrator, National Aeronautics and Space Administration.

(20) Associate Deputy Administrator of Veterans' Affairs.

(21) Archivist of the United States.

(22) Area Redevelopment Administrator, Department of Commerce.

(23) Assistant Secretary of Agriculture for Administration.

- (24) Assistant Secretary of Health, Education, and Welfare for Administration.
- (25) Assistant Secretary of the Interior for Administration.
- (26) Assistant Attorney General for Administration.
- (27) Assistant Secretary of Labor for Administration.
- (28) Assistant Secretary of the Treasury for Administration.
- (29) Assistant General Manager, Atomic Energy Commission.
- (30) Assistant and Science Adviser to the Secretary of the Interior.
- (31) Chairman, Foreign Claims Settlement Commission of the United States.
- (32) Chairman of the Military Liaison Committee to the Atomic Energy Commission, Department of Defense.
- (33) Chairman of the Renegotiation Board.
- (34) Chairman of the Subversive Activities Control Board.
- (35) Chief Counsel for the Internal Revenue Service, Department of the Treasury.
- (36) Chief Forester of the Forest Service, Department of Agriculture.
- (37) Chief Postal Inspector, Post Office Department.
- (38) Chief, Weather Bureau, Department of Commerce.
- (39) Commissioner of Customs, Department of the Treasury.
- (40) Commissioner, Federal Supply Service, General Services Administration.
- (41) Commissioner of Education, Department of Health, Education, and Welfare.
- (42) Commissioner of Fish and Wildlife, Department of the Interior.
- (43) Commissioner of Food and Drugs, Department of Health, Education, and Welfare.
- (44) Commissioner of Immigration and Naturalization, Department of Justice.
- (45) Commissioner of Indian Affairs, Department of the Interior.
- (46) Chief Commissioner, Indian Claims Commission.
- (47) Associate Commissioners, Indian Claims Commission (2).
- (48) Commissioner of Patents, Department of Commerce.
- (49) Commissioner, Public Buildings Service, General Services Administration.
- (50) Commissioner of Reclamation, Department of the Interior.
- (51) Commissioner of Social Security, Department of Health, Education, and Welfare.
- (52) Commissioner of Vocational Rehabilitation, Department of Health, Education, and Welfare.
- (53) Commissioner of Welfare, Department of Health, Education, and Welfare.
- (54) Director, Advanced Research Projects Agency, Department of Defense.
- (55) Director of Agricultural Economics, Department of Agriculture.
- (56) Director, Bureau of the Census, Department of Commerce.
- (57) Director, Bureau of Mines, Department of the Interior.
- (58) Director, Bureau of Prisons, Department of Justice.
- (59) Director, Geological Survey, Department of the Interior.
- (60) Director, Office of Research and Engineering, Post Office Department.
- (61) Director, National Bureau of Standards, Department of Commerce.

- (62) Director of Regulation, Atomic Energy Commission.
- (63) Director of Science and Education, Department of Agriculture.
- (64) Deputy Under Secretary for Monetary Affairs, Department of the Treasury.
- (65) Deputy Commissioner of Internal Revenue, Department of the Treasury.
- (66) Deputy Director, National Science Foundation.
- (67) Deputy Director, Policy and Plans, United States Information Agency.
- (68) Deputy General Counsel, Department of Defense.
- (69) Deputy General Manager, Atomic Energy Commission.
- (70) Associate Director of the Federal Mediation and Conciliation Service.
- (71) Associate Director for Volunteers, Peace Corps.
- (72) Associate Director for Program Development and Operations, Peace Corps.
- (73) Assistants to the Director of the Federal Bureau of Investigation, Department of Justice (2).
- (74) Assistant Directors, Office of Emergency Planning (3).
- (75) Assistant Directors, United States Arms Control and Disarmament Agency (4).
- (76) Federal Highway Administrator, Department of Commerce.
- (77) Fiscal Assistant Secretary of the Treasury.
- (78) General Counsel of the Agency for International Development.
- (79) General Counsel of the Department of the Air Force.
- (80) General Counsel of the Department of the Army.
- (81) General Counsel of the Atomic Energy Commission.
- (82) General Counsel of the Federal Aviation Agency.
- (83) General Counsel of the Housing and Home Finance Agency.
- (84) General Counsel of the Department of the Navy.
- (85) General Counsel of the United States Arms Control and Disarmament Agency.
- (86) General Counsel of the National Aeronautics and Space Administration.
- (87) Governor of the Canal Zone.
- (88) Manpower Administrator, Department of Labor.
- (89) Maritime Administrator, Department of Commerce.
- (90) Members, Foreign Claims Settlement Commission of the United States.
- (91) Members, Renegotiation Board.
- (92) Members, Subversive Activities Control Board.
- (93) Members, United States Tariff Commission.
- (94) President of the Federal National Mortgage Association.
- (95) Special Assistant to the Secretary (Health and Medical Affairs), Department of Health, Education, and Welfare.
- (96) Deputy Directors of Defense Research and Engineering, Department of Defense (4).
- (97) Assistant Administrator of General Services.
- (98) Director, United States Travel Service, Department of Commerce.
- (99) Executive Director of the United States Civil Service Commission.

(f) In addition to the offices and positions listed in subsections (d) and (e) of this section, the President is authorized to place from time to time offices and positions held by not to exceed thirty persons in

Placement by
President.

Publication in
Federal Register.

levels IV and V of the Federal Executive Salary Schedule when he deems such action necessary to reflect changes in organization, management responsibilities, or workload in any Federal department or agency. Any such action with respect to an office to which appointment is made by the President by and with the advice and consent of the Senate shall be effective only at the time of a new appointment to such office. Each action taken under this subsection shall be published in the Federal Register, except when it is determined by the President that such publication would be contrary to the interest of the national security. No action shall be taken under this subsection with respect to an office or position the compensation for which is fixed at a specific rate by this section or by statute enacted subsequent to the date of enactment of this Act.

(g) In addition to the offices and positions listed in subsections (d) and (e) of this section and the offices and positions placed by the President in levels IV and V pursuant to subsection (f) of this section, the President is authorized to place, during the period which begins on the day immediately following the date of enactment of this Act and which terminates on the first day of the sixth month which begins following the date of enactment of this Act, in levels IV and V of the Federal Executive Salary Schedule offices and positions held by not to exceed thirty persons, the duties and responsibilities of which he deems appropriate for such levels. No action shall be taken under this subsection with respect to an office or position the compensation for which is fixed at a specific rate by this section or by statute enacted subsequent to the date of enactment of this Act.

Vice President.
69 Stat. 11.

SEC. 304. (a) Section 104 of title 3, United States Code (relating to the compensation of the Vice President), is amended by striking out "\$35,000" and inserting in lieu thereof "\$43,000".

Presidential as-
sistants.
70 Stat. 740.

(b) Section 105 of title 3, United States Code, is amended to read as follows:

"§105. Compensation of secretaries and executive, administrative, and staff assistants to President

"The President is authorized to fix the compensation of the six administrative assistants authorized to be appointed under section 106 of this title, of the Executive Secretary of the National Security Council, of the Executive Secretary of the National Aeronautics and Space Council, and of eight other secretaries or immediate staff assistants in the White House Office at rates of basic compensation not to exceed that of level II of the Federal Executive Salary Schedule."

63 Stat. 880.

CONFORMING CHANGES IN EXISTING LAW

Repeals.

SEC. 305. The following provisions of law are hereby repealed:

(1) The Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2201-2209), establishing rates of basic compensation for heads of executive departments and other Federal officials.

(2) Section 3012(h) of title 10, United States Code, providing compensation of \$22,000 a year for the Secretary of the Army.

(3) Section 3013(b) of title 10, United States Code, fixing the annual salaries of the Under Secretary and each Assistant Secretary of the Army at \$20,000 a year.

(4) Section 5031(d) of title 10, United States Code, providing compensation of \$22,000 a year for the Secretary of the Navy.

(5) Section 5033(c) of title 10, United States Code, providing the annual salary of \$20,000 a year for the Under Secretary of the Navy.

(6) Section 304 of Public Law 87-651, approved September 7, 1962 (76 Stat. 526; 10 U.S.C. 5034, note), providing compensation of \$20,000 a year for Assistant Secretaries of the Navy.

(7) Section 8012(g) of title 10, United States Code, providing compensation of \$22,000 a year for the Secretary of the Air Force.

(8) Section 8013(b) of title 10, United States Code, fixing the annual salaries of the Under Secretary and each Assistant Secretary of the Air Force at \$20,000 a year.

(9) Section 137(c) of title 10, United States Code, fixing the compensation of the General Counsel of the Department of Defense at the rate prescribed by law for assistant secretaries of executive departments.

(10) (A) The last sentence of section 22 a. of the Atomic Energy Act of 1954, as amended (68 Stat. 924; 71 Stat. 612; 42 U.S.C. 2032(a)), relating to the annual salaries of the Chairman and members of such Commission, which reads: "Each member, except the Chairman, shall receive compensation at the rate of \$22,000 per annum; and the member designated as Chairman shall receive compensation at the rate of \$22,500 per annum."

(B) That part of the first sentence of section 27 a. of the Atomic Energy Act of 1954 (68 Stat. 926; 42 U.S.C. 2037(a)), relating to the salary of the Chairman of the Military Liaison Committee which reads: "and who shall receive compensation at the rate prescribed for an Assistant Secretary of Defense".

(11) That part of Reorganization Plan Numbered 1 of 1958 (72 Stat. 1799 and 861; 75 Stat. 630; 5 U.S.C. 133z-15, note)—

(A) In section 2(b), relating to the annual salary of the Director of the Office of Emergency Planning, which reads: "and shall receive compensation at the rate now or hereafter prescribed by law for the heads of executive departments";

(B) In section 2(c), relating to the annual salary of the Deputy Director of such Office, which reads: "shall receive compensation at the rate now or hereafter prescribed by law for the under secretaries referred to in section 104 of the Federal Executive Pay Act of 1956 (5 U.S.C. 2203)," and

(C) In section 2(d), relating to the annual salaries of three Assistant Directors of such Office, which reads: "shall receive compensation at the rate now or hereafter prescribed by law for assistant secretaries of executive departments,".

(12) (A) That part of the second sentence of section 202(a) of the National Aeronautics and Space Act of 1958 (72 Stat. 429; 42 U.S.C. 2472(a)), relating to the annual salary of the Administrator of the National Aeronautics and Space Administration, which reads: "and shall receive compensation at the rate of \$22,500 per annum".

(B) That part of the first sentence of section 202(b) of such Act (72 Stat. 429; 42 U.S.C. 2472(b)), relating to the annual salary of the Deputy Administrator of such Administration, which reads: "shall receive compensation at the rate of \$21,500 per annum,".

(13) (A) That part of section 201(f) of the National Aeronautics and Space Act of 1958 (72 Stat. 428; 42 U.S.C. 2471(f)), relating to the annual salary of a civilian executive secretary in the National Aeronautics and Space Council, which reads: "and shall receive compensation at the rate of \$20,000 a year".

(B) That part of section 204 of such Act (72 Stat. 431, 432; 42 U.S.C. 2474(a)(1), and (d)), relating to the annual salary of the Chairman of the Civilian-Military Liaison Committee, as follows:

In subsection (a) (1), that part which reads: "and shall receive compensation (in the manner provided in subsection (d)) at the rate of \$20,000 per annum".

In the second sentence of subsection (d), that part which reads: "fixed by subsection (a) (1)".

(14) (A) That part of the second sentence of section 2(a) of the Act of May 26, 1949 (63 Stat. 111; 5 U.S.C. 151b(a)) as amended, relating to the rank and salary of the Counselor and of the Legal Adviser of the Department of State, which reads: "and shall receive the same salary as".

(B) The last sentence of section 2(a) of the Act of May 26, 1949 (63 Stat. 111; 5 U.S.C. 151b(a)) as amended, relating to the rate of basic compensation of the Deputy Under Secretaries of State, which reads: "Unless otherwise provided for by law, the rate of basic compensation of the Deputy Under Secretaries of State shall be the same as that of Assistant Secretaries of State."

(C) That part of the second sentence of section 2(b) of the Act of May 26, 1949, as amended (73 Stat. 265; 5 U.S.C. 151b(b)), relating to the annual salary of the Under Secretary of State for Political Affairs or for Economic Affairs, as designated by the President, which reads: "shall receive compensation at the rate of \$22,000 a year and".

(15) The last sentence of section 210(a) of title 38, United States Code, relating to the annual salary of the Administrator of Veterans' Affairs, Veterans' Administration, which reads: "He shall receive a salary of \$21,000 a year, payable monthly."

(16) (A) The last sentence of section 201(a) (2) of the Federal Aviation Act of 1958 (72 Stat. 741; 49 U.S.C. 1321(a) (2)), relating to the annual salaries of the Chairman and members of the Civil Aeronautics Board, which reads: "Each member of the Board shall receive a salary at the rate of \$20,000 per annum, except that the member serving as Chairman shall receive a salary at the rate of \$20,500 per annum."

(B) That part of the second sentence of section 301(a) of such Act (72 Stat. 744; 49 U.S.C. 1341(a)), relating to the annual salary of the Administrator of the Federal Aviation Agency, which reads: ", and who shall receive compensation at the rate of \$22,500 per annum".

(C) That part of the second sentence of section 302(a) of such Act (72 Stat. 744; 49 U.S.C. 1342(a)), relating to the annual salary of the Deputy Administrator of such Agency, which reads: "shall receive compensation at the rate of \$20,500 per annum, and".

(17) (A) The last sentence of section 22 of the Arms Control and Disarmament Act (75 Stat. 632; 22 U.S.C. 2562), relating to the annual salary of the Director of the United States Arms Control and Disarmament Agency, which reads: "He shall receive compensation at the rate of \$22,500 per annum."

(B) The second sentence of section 23 of such Act (75 Stat. 632; 22 U.S.C. 2563), relating to the annual salary of the Deputy Director of such Agency, which reads: "He shall receive compensation at the rate of \$21,500 per annum."

(C) The second sentence of section 24 of such Act (75 Stat. 632; 22 U.S.C. 2564), relating to the annual salaries of the four Assistant Directors of such Agency, which reads: "They shall receive compensation at the rate of \$20,000 per annum."

(18) Section 3 of the Act of March 2, 1955 (69 Stat. 10; 5 U.S.C. 294, 293, 295a), relating to the annual salaries of certain officials of the Department of Justice, which reads:

"SEC. 3. (a) The compensation of the Deputy Attorney General shall be at the rate of \$21,000 per annum.

"(b) The compensation of the Solicitor General shall be at the rate of \$20,500 per annum.

“(c) The compensation of each Assistant Attorney General, other than the Administrative Assistant Attorney General, shall be at the rate of \$20,000 per annum.”.

(19) (A) The last sentence of section 102(c) of Reorganization Plan Numbered 7 of 1961 (75 Stat. 840; 5 U.S.C. 133z-15, note), relating to the annual salaries of the Chairman and members of the Federal Maritime Commission, which reads: “The Chairman of the Commission shall receive a salary at the rate of \$20,500 per annum, and each of the other Commissioners shall receive a salary at the rate of \$20,000 per annum.”.

(B) That part of section 201 of such reorganization plan (75 Stat. 842; 5 U.S.C. 133z-15, note), relating to the annual salary of the Maritime Administrator in the Department of Commerce, which reads: “shall receive a salary at the rate of \$20,000 per annum.”.

(20) That part of the fourth sentence of section 4(a) of the Securities Exchange Act of 1934, as amended (74 Stat. 408 and 913; 15 U.S.C. 78d(a)), relating to the annual salaries of the Chairman and Commissioners of the Securities and Exchange Commission, which reads: “shall receive a salary at the rate of \$20,000 a year, except that the Chairman shall receive additional salary at the rate of \$500 a year and”.

(21) Section 8 of the Food Additives Amendment of 1958 (72 Stat. 1789; 5 U.S.C. 2205, note), fixing the annual salary of the Commissioner of Food and Drugs at \$20,000 per annum.

(22) That part of the first sentence of section 3 of the Area Redevelopment Act (75 Stat. 48; 42 U.S.C. 2502), relating to the annual salary of the Area Redevelopment Administrator in the Department of Commerce, which reads: “who shall receive compensation at a rate equal to that received by Assistant Secretaries of Commerce”.

(23) The last sentence of section 203(b)(1) of the National Security Act of 1947 (72 Stat. 520; 5 U.S.C. 171c(b)(1)), relating to the annual salary of the Director of Defense Research and Engineering in the Department of Defense, which reads: “The compensation of the Director is that prescribed by law for the Secretaries of the military departments.”.

(24) In section 303(a) of title 23, United States Code,

(A) That part of the second sentence, relating to the annual salary of the Federal Highway Administrator in the Department of Commerce, which reads: “shall receive basic compensation at the rate prescribed by law for Assistant Secretaries of executive departments and”; and

(B) The last sentence, relating to the annual salary of the Deputy Federal Highway Administrator in such department, which reads: “The Deputy Federal Highway Administrator shall receive basic compensation at a rate \$1,000 less than the rate provided for the Federal Highway Administrator.”.

(25) The last proviso in the paragraph under the heading “IMMIGRATION AND NATURALIZATION SERVICE” and under the subheading “SALARIES AND EXPENSES” in the Department of Justice Appropriation Act, 1959 (72 Stat. 251; 5 U.S.C. 2206, note), relating to the annual salary of the Commissioner of the Immigration and Naturalization Service, which reads: “: *Provided further*, That, hereafter, the compensation of the Commissioner of the Immigration and Naturalization Service shall be \$20,000 per annum”.

(26) The second paragraph of section 3 of title 35, United States Code, relating to the annual salary of the Commissioner of Patents which reads: “The annual rate of compensation of the Commissioner shall be \$20,000.”.

(27) That part of section 4(a) of the Peace Corps Act (75 Stat. 612; 22 U.S.C. 2503(a)), relating to the annual salaries of the Director and of the Deputy Director of the Peace Corps, which reads: “, whose compensation shall be fixed by the President at a rate not in excess of \$20,000 per annum,” and “, whose compensation shall be fixed by the President at a rate not in excess of \$19,500 per annum”.

(28)(A) Section 308 of title 39, United States Code, fixing the annual rate of basic compensation of the position of Chief Postal Inspector in the Post Office Department at \$19,000.

(B) That part of the table of contents of chapter 3 of title 39, United States Code, which reads as follows:

“308. Chief Postal Inspector.”.

(29) That part of the first sentence of section 4 of the International Travel Act of 1961 (75 Stat. 130; 22 U.S.C. 2124), relating to the annual salary of the Director of the United States Travel Service in the Department of Commerce, which reads: “who shall be compensated at the rate of \$19,000 per annum.”.

(30) Section 14(b) of the Federal Employees Health Benefits Act of 1959 (73 Stat. 716; 5 U.S.C. 3013(b)), which fixes the compensation of the Executive Director of the United States Civil Service Commission at \$19,000 per annum.

(31) That part of the first sentence of section 107(c) of the Renegotiation Act of 1951, as amended (73 Stat. 211; 50 U.S.C. App. 1217(c)), relating to the annual salary of the General Counsel of the Renegotiation Board, which reads: “, and shall receive compensation at the rate of \$19,000 per annum”.

(32)(A) That part of the third sentence in section 201(a) of the National Capital Transportation Act of 1960 (74 Stat. 538; 40 U.S.C. 661(a)), relating to the annual salary of the Administrator of the National Capital Transportation Agency, which reads: “, and who shall receive compensation at a rate equal to the maximum rate for grade 18 of the General Schedule of the Classification Act of 1949, as amended, plus \$500 per annum”.

(B) That part of the first sentence of section 201(b) of such Act (74 Stat. 538; 40 U.S.C. 661(b)), relating to the annual salary of the Deputy Administrator of such Agency, which reads: “, and who shall receive compensation at a rate equal to the maximum rate for grade 18 of the General Schedule of the Classification Act of 1949, as amended”.

(33) The last sentence of section 624(d)(1) of the Foreign Assistance Act of 1961 (75 Stat. 447; 22 U.S.C. 2384(d)(1)), as amended, fixing the compensation of certain officials in the Department of State, which reads: “The Inspector General, Foreign Assistance, shall receive compensation at the rate of \$20,000 annually; the Deputy Inspector General, Foreign Assistance, shall receive compensation at the rate of \$20,000 annually, and each Assistant Inspector General, Foreign Assistance, shall receive compensation at the rate of \$19,000 annually.”.

(34) That part of section 202 of the Act of July 1, 1960 (74 Stat. 305; 5 U.S.C. 623g), relating to the annual salary of the Administrative Assistant Secretary of Health, Education, and Welfare, which reads: “, and whose annual rate of basic compensation shall be \$19,000”.

(35) That part of the Public Works Appropriation Act, 1963, under the heading “DEPARTMENT OF THE INTERIOR” and under the caption “BUREAU OF RECLAMATION” and the subheading “ADMINISTRATIVE PROVISIONS” (76 Stat. 1223; 43 U.S.C. 373a-1),

relating to the annual salary of the present incumbent of the position of Commissioner of the Bureau of Reclamation, which reads:

"After September 30, 1962, the position of Commissioner of Reclamation shall have the annual rate of compensation as provided for positions listed in section 2205(a) of title 5, United States Code, so long as held by the present incumbent."

(36) That part of the Public Works Appropriation Act, 1962, under the heading "DEPARTMENT OF THE INTERIOR" and under the caption "BONNEVILLE POWER ADMINISTRATION" and the subheading "CONSTRUCTION" (75 Stat. 728; 16 U.S.C. 832a-1), relating to the annual salary of the present incumbent of the position of Administrator, Bonneville Power Administration, which reads:

"After October 1, 1961, the position of Administrator, Bonneville Power Administration, shall have the same annual rate of compensation as that provided for positions listed in section 2205(b) of title 5, United States Code, so long as held by the present incumbent."

(37) Section 205 of the Public Works Appropriation Act, 1958 (71 Stat. 423; 5 U.S.C. 483-1 note, 2206 note), as amended, relating to the salary of the present incumbent of the position of Administrator of the Southwestern Power Administration in the Department of the Interior, and to the salary of the Administrative Assistant Secretary of such Department, which reads:

"SEC. 205. After August 31, 1957, the salary of the Administrator of the Southwestern Power Administration shall be the same as the salary of the Administrator of the Bonneville Power Administration, so long as held by the present incumbent; and the salary of the Administrative Assistant Secretary of the Department shall be the same as the Solicitor of the Department of the Interior."

(38) The proviso in the first paragraph under the heading "FEDERAL BUREAU OF INVESTIGATION" and under the subheading "SALARIES AND EXPENSES" in the Department of Justice Appropriation Act, 1964 (77 Stat. 782; Public Law 88-245), relating to the annual salary of the present incumbent of the position of Director of the Federal Bureau of Investigation, which reads: "*Provided*, That the compensation of the Director of the Bureau shall be \$22,000 per annum so long as the position is held by the present incumbent" and provisions to the same effect contained in other appropriation Acts enacted prior to the effective date of this section relating to the annual salary of the present incumbent of the position of Director of the Federal Bureau of Investigation.

(39) That part of section 7801(b) (2) of the Internal Revenue Code of 1954, as amended, relating to the annual salary of the Assistant General Counsel of the Treasury Department who shall be the Chief Counsel for the Internal Revenue Service, which reads: "and shall receive basic compensation at the annual rate of \$19,000".

(40) (A) Sections 3018, 5014, and 8018 of title 10, United States Code, relating to the compensation of the general counsels of the military departments.

(B) The respective tables of contents of chapters 303, 503, and 803 of title 10, United States Code, are amended by striking out

"3018. Compensation of General Counsel.";

"5014. Compensation of General Counsel."; and

"8018. Compensation of General Counsel."

(41) (A) That part of section 2(a) of Reorganization Plan Numbered 2 of 1962 (76 Stat. 1253; 5 U.S.C. 133z-15, note), relating to the compensation of the Director of the Office of Science and Technology, which reads: "and shall receive compensation at the rate of \$22,500 per annum".

(B) That part of section 2(b) of such reorganization plan (76 Stat. 1253; 5 U.S.C. 133z-15, note), relating to the compensation of the Deputy Director of the Office of Science and Technology, which reads: "and receive compensation at the rate of \$20,500 per annum".

(C) That part of section 22(a) of such reorganization plan (76 Stat. 1255; 5 U.S.C. 133z-15, note), relating to the compensation of the Director of the National Science Foundation, which reads: "shall receive compensation at the rate of \$21,000 per annum and".

(42) That part of section 624(a) of the Foreign Assistance Act of 1961 (75 Stat. 447; 22 U.S.C. 2384(a)), relating to the compensation of twelve officers in the agency primarily responsible for administering part I of such Act, which reads: "of whom—

"(1) one shall have the rank of an Under Secretary and shall be compensated at a rate not to exceed the rate authorized by law for any Under Secretary of an executive department;

"(2) one shall have the rank of Deputy Under Secretary and shall be compensated at a rate not to exceed the rate authorized by law for any Deputy Under Secretary of an executive department; and

"(3) ten shall have the rank of Assistant Secretaries and shall be compensated at a rate not to exceed the rate authorized by law for any Assistant Secretary of an executive department."

(43) That part of the first sentence of section 104(b) of the Immigration and Nationality Act (66 Stat. 174; 8 U.S.C. 1104(b)), relating to the rank and compensation of the Administrator, Bureau of Security and Consular Affairs, which reads: "and compensation".

(44) That part of section 3 of Reorganization Plan Numbered 1 of 1953 (67 Stat. 631; 5 U.S.C. 623, note), relating to the Special Assistant to the Secretary (Health and Medical Affairs), Department of Health, Education, and Welfare, which reads: "and shall receive compensation at the rate now or hereafter provided by law for assistant secretaries of executive departments".

SEC. 306. (a) (1) Section 508 of title 28, United States Code, is amended to read as follows:

"§ 508. Salaries

Ante, p. 421.

"Subject to subsection (f) of section 303 of the Federal Executive Salary Act of 1964, the Attorney General shall fix the annual salaries of United States attorneys, assistant United States attorneys, and attorneys appointed under section 503 of this title at rates of compensation not in excess of the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended."

62 Stat. 909.

Ante, p. 400.

(2) Subject to section 303(f) of this Act, each incumbent United States attorney and assistant United States attorney shall be paid compensation at a rate equal to that of attorneys of comparable responsibility and professional qualifications, as determined by the Attorney General, whose compensation is prescribed in the General Schedule of the Classification Act of 1949, as amended.

(b) Section 411 of the Foreign Service Act of 1946, as amended (70 Stat. 704; 22 U.S.C. 866), relating to the per annum salaries of chiefs of mission, is amended by striking out the second sentence of that section and inserting in lieu thereof the following: "The per annum salaries of chiefs of mission within each class shall be at the rate provided by law for the levels of the Federal Executive Salary Schedule as follows: class 1, the rate for level II; class 2, the rate for level III; class 3, the rate for level IV; and class 4, the rate for level V."

Ante, p. 416.

75 Stat. 792.

(c) That part of section 201(f) of the National Aeronautics and Space Act of 1958 (72 Stat. 428; 42 U.S.C. 2471(f)), fixing a limit of \$19,000 on the compensation of seven persons in the National Aero-

nautics and Space Council, is amended by striking out "compensated at the rate of not more than \$19,000 a year," and inserting in lieu thereof "compensated at not to exceed the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended,".

Ante, p. 400.

(d) Clause (A) of section 203(b)(2) of the National Aeronautics and Space Act of 1958 (72 Stat. 429; 42 U.S.C. 2473(b)(2)), as amended, is amended to read as follows: "(A) to the extent the Administrator deems such action necessary to the discharge of his responsibilities, he may appoint not more than four hundred and twenty-five of the scientific, engineering, and administrative personnel of the Administration without regard to such laws, and may fix the compensation of such personnel not in excess of the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended, and".

(e) Section 6(f) of the Act of September 24, 1959 (73 Stat. 706; 5 U.S.C. 2376(f)), relating to the maximum compensation payable to employees of the Advisory Commission on Intergovernmental Relations, is amended by striking out "at a rate in excess of \$20,000 per annum" and by inserting in lieu thereof "at a rate in excess of the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended".

(f) The Atomic Energy Act of 1954, as amended, is further amended as follows:

(1) In the last sentence of section 24 a. (68 Stat. 925; 71 Stat. 612; 42 U.S.C. 2034(a)), relating to the annual salary of the General Manager of such Commission, (A) by inserting "and" immediately before "shall be removable by the Commission" and (B) by striking out that part which reads: ", and shall receive compensation at a rate determined by the Commission, but not in excess of \$22,000 per annum";

(2) In the last sentence of section 24 b. (71 Stat. 612; 42 U.S.C. 2034(b)), relating to the annual salary of the Deputy General Manager of such Commission, (A) by inserting "and" immediately before "shall be removable by the General Manager" and (B) by striking out that part which reads: ", and shall receive compensation at a rate determined by the General Manager, but not in excess of \$20,500 per annum";

(3) In the last sentence of section 24 c. (71 Stat. 612; 42 U.S.C. 2034(c)), relating to the annual salaries of the Assistant General Managers (or their equivalents) of such Commission, (A) by inserting "and" immediately before "shall be removable by the General Manager" and (B) by striking out that part which reads: ", and shall receive compensation at a rate determined by the General Manager, but not in excess of \$20,000 per annum";

(4) In the second sentence of section 25 a. (68 Stat. 925; 71 Stat. 612; 42 U.S.C. 2035(a)), relating to the annual salaries of directors of program divisions of such Commission, by striking out that part which reads: "and shall receive compensation at a rate determined by the Commission, but not in excess of \$19,000 per annum";

(5) In section 25 b. (68 Stat. 925; 71 Stat. 612; 42 U.S.C. 2035(b)), relating to the annual salary of the General Counsel of such Commission, by striking out that part which reads: "and shall receive compensation at a rate determined by the Commission, but not in excess of \$19,500 per annum";

(6) In the first sentence of section 25 c. (68 Stat. 925; 71 Stat. 612; 42 U.S.C. 2035(c)), relating to the annual salary of the Director of the Inspection Division in such Commission, by striking

out that part which reads: "and shall receive compensation at a rate determined by the Commission, but not in excess of \$19,000 per annum";

(7) In the last sentence of section 25 d. (71 Stat. 612; 42 U.S.C. 2035(d)), relating to the annual salaries of certain executive management positions in such Commission, (A) by inserting "and" immediately before "shall be removable by the General Manager" and (B) by striking out that part which reads: ", and shall receive compensation at a rate determined by the General Manager, but not in excess of \$19,000 per annum"; and

(8) In the second sentence of section 28 (68 Stat. 926; 42 U.S.C. 2038), relating to the compensation of the active member of the Armed Forces serving as Director of the Division of Military Application in such Commission, by striking out that part which reads "and the compensation prescribed in section 25" and inserting in lieu thereof, "and the compensation established for this position pursuant to section 303 or section 309 of the Federal Executive Salary Act of 1964".

(g) Section 2 of the Act of July 30, 1946, as amended (60 Stat. 712; 70 Stat. 740; 22 U.S.C. 287n), relating to the compensation of the United States representatives and alternates at sessions of the General Conference of the United Nations Educational, Scientific, and Cultural Organization, is amended by striking out "Such representatives and alternates shall each be entitled to receive compensation at such rates, not to exceed \$15,000 per annum, as the President may determine," and inserting in lieu thereof "Such representatives and alternates shall each be entitled to receive compensation at such rates provided for Foreign Service officers in the schedule contained in section 412 of the Foreign Service Act of 1946, as amended, as the President may determine."

(h) The third sentence of section 2 of the Act of May 29, 1959 (73 Stat. 63; 50 U.S.C. 402, note), is amended to read as follows: "Except as provided in subsection (f) of section 303 of the Federal Executive Salary Act of 1964, no officer or employee of the National Security Agency shall be paid basic compensation at a rate in excess of the highest rate of basic compensation contained in such General Schedule."

(i) (1) Sections 2 and 3 of the Act of July 25, 1958 (72 Stat. 414; D.C. Code, secs. 1-204a and 1-204b), relating to the compensation of the Commissioners of the District of Columbia, are amended to read as follows:

"Sec. 2. Except as otherwise provided by this section and section 3 of this Act—

"(1) the compensation of the Commissioners of the District of Columbia shall be at the rate of \$25,500 each per annum; and

"(2) the Commissioner detailed from the Corps of Engineers of the United States Army shall receive an annual compensation which, when added to any compensation he receives as an officer of the United States Army, will equal the compensation authorized by paragraph (1) of this section.

"Sec. 3. Notwithstanding any other provision of law—

"(1) the compensation of the President of the Board of Commissioners of the District of Columbia shall be at the rate of \$26,000 per annum; and

"(2) if the Commissioner detailed from the Corps of Engineers of the United States Army is chosen President of the Board of Commissioners, he shall receive, as President of the Board, an annual compensation which, when added to any compensation he receives as an officer of the United States Army, will equal the compensation authorized by paragraph (1) of this section."

Ante, p. 416.
Post, p. 433.

Ante, p. 411.

(2) Section 11-702(d) of the District of Columbia Code (77 Stat. 484; Public Law 88-241), relating to the rates of annual salary of the chief judge and the associate judges of the District of Columbia Court of Appeals, is amended—

(A) by striking out “\$19,000” and inserting in lieu thereof “\$25,000”; and

(B) by striking out “\$18,500” and inserting in lieu thereof “\$24,500”.

(3) Section 11-902(d) of the District of Columbia Code (77 Stat. 487; Public Law 88-241), relating to the rates of annual salary of the chief judge and the associate judges of the District of Columbia Court of General Sessions, is amended—

(A) by striking out “\$18,000” and inserting in lieu thereof “\$24,000”; and

(B) by striking out “\$17,500” and inserting in lieu thereof “\$23,500”.

(4) The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47-2402), relating to the compensation of the person appointed to the District of Columbia Tax Court, is amended by striking out “\$17,500” and inserting in lieu thereof “\$23,500”.

52 Stat. 370;
69 Stat. 290.

(5) That part of the salary schedule in section 1 of the District of Columbia Teachers' Salary Act of 1955, as amended (76 Stat. 1229; D.C. Code, sec. 31-1501), relating to the compensation of the Superintendent of Schools, and Deputy Superintendent of Schools, of the District of Columbia, which reads:

“Class 1: Superintendent of Schools.....	\$19,000	-----	-----	-----	-----	-----	-----	-----	-----
Class 2: Deputy Superin- tendent.....	16,500	-----	-----	-----	-----	-----	-----	-----	-----”.

is amended to read as follows:

“Class 1: Superintendent of Schools.....	\$26,000	-----	-----	-----	-----	-----	-----	-----	-----
Class 2: Deputy Superin- tendent.....	22,000	-----	-----	-----	-----	-----	-----	-----	-----”.

(6) That part of the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (72 Stat. 480), as amended (sec. 4-823, et seq., D.C. Code, 1961 edition), relating to the compensation of the Fire Chief and the Chief of Police, which reads:

76 Stat. 1239.

“Class 10..... Fire Chief. Chief of Police.”	17,000	17,400	17,800	18,200	-----	-----	18,600	19,000	-----
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is amended to read as follows:

“Class 10..... Fire Chief. Chief of Police.”	21,000	21,500	22,000	22,500	-----	-----	23,000	23,500	-----
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(j) (1) The catchline of section 3012 of title 10, United States Code, is amended by striking out “; compensation”

(2) The table of contents of chapter 303 of such title 10 is amended by striking out

“3012. Secretary of the Army: powers and duties; delegation by; compensation.”

and inserting in lieu thereof

“3012. Secretary of the Army: powers and duties; delegation by.”

(3) The catchline of section 5031 of such title 10 is amended by striking out “; compensation”.

(4) The table of contents of chapter 505 of such title 10 is amended by striking out

“5031. Secretary of the Navy: responsibilities; compensation.”

and inserting in lieu thereof

“5031. Secretary of the Navy: responsibilities.”

(5) The catchline of section 5033 of such title 10 is amended by striking out “; **compensation**”.

(6) The table of contents of chapter 505 of such title 10 is amended by striking out

“5033. Under Secretary of the Navy: appointment; duties; compensation.” and inserting in lieu thereof

“5033. Under Secretary of the Navy: appointment; duties.”.

(7) The catchline of section 8012 of such title 10 is amended by striking out “; **compensation**”.

(8) The table of contents of chapter 803 of such title 10 is amended by striking out

“8012. Secretary of the Air Force: powers and duties; delegation by; compensation.”

and inserting in lieu thereof

“8012. Secretary of the Air Force: powers and duties; delegation by.”.

CHANGES IN POSITION TITLES

SEC. 307. Whenever reference is made in any law or reorganization plan to the—

Administrative Assistant Attorney General,
Administrative Assistant Secretary of the Interior,
Administrative Assistant Secretary of Agriculture,
Administrative Assistant Secretary of Labor,
Administrative Assistant Secretary of the Treasury,

or

Administrative Assistant Secretary of Health, Education, and Welfare,

such reference shall be held and considered to mean the—

Assistant Attorney General for Administration,
Assistant Secretary of the Interior for Administration,
Assistant Secretary of Agriculture for Administration,
Assistant Secretary of Labor for Administration,
Assistant Secretary of the Treasury for Administration, or
Assistant Secretary of Health, Education, and Welfare for Administration,

respectively.

LIMITATION ON SALARIES FIXED BY ADMINISTRATIVE ACTION

SEC. 308. Except as provided by this Act and notwithstanding the provisions of any other law, the head of any executive department, independent establishment, or agency in the executive branch who is authorized to fix by administrative action the annual rate of basic compensation for any position, officer, or employee shall not fix such rate in excess of the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended. Nothing contained in this section shall be construed to impair the authorities provided in the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403a and following), in section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b), in section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819), in section 11 of the Federal Reserve

Ante, p. 400.

63 Stat. 208.

48 Stat. 59.

64 Stat. 881.

Act (12 U.S.C. 248), or in section 5240 of the Revised Statutes (12 U.S.C. 481, relating to the Comptroller of the Currency). 38 Stat. 261.

MISCELLANEOUS POSITIONS IN THE EXECUTIVE BRANCH

SEC. 309. Each office or position in the executive branch specifically referred to in, or covered by, any conforming change in law made by section 305 of this Act, or any other office or position in the executive branch for which the annual salary is established pursuant to special provision of law enacted prior to the date of enactment of this Act, at a figure of \$18,500 or above, which is not placed in a level of the Federal Executive Salary Schedule pursuant to section 303 of this Act, shall be paid basic compensation at a rate which is equal to the salary rate of a grade and step of the General Schedule of the Classification Act of 1949, as amended. All actions taken under this section shall be reported to the United States Civil Service Commission and published in the Federal Register, except when it is determined by the President that such report and publication would be contrary to the interest of national security.

Anfe, p. 400.
Report to Civil
Service Commis-
sion.
Publication in
Federal Register.

SAVING PROVISIONS

SEC. 310. (a) Except as provided by this Act, the changes in existing law made by this Act shall not affect any office or position existing immediately prior to the effective date of any such changes in existing law, the compensation attached to such office or position, and any incumbent thereof, his appointment thereto, and his entitlement to receive the compensation attached thereto, until appropriate action is taken in accordance with this Act or other law.

(b) Notwithstanding any provision of this Act, the rate of basic, gross, or total annual compensation received by any officer or employee immediately prior to the effective date of this section shall not be reduced by reason of enactment of this Act.

TITLE IV—FEDERAL JUDICIAL SALARIES

SEC. 401. This title may be cited as the "Federal Judicial Salary Act of 1964". Federal Judicial Salary Act of 1964.

SEC. 402. (a) The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of title 18, United States Code, the third sentence of section 603, sections 672 to 675, inclusive, or section 604(a)(5), of title 28, United States Code, insofar as the latter section applies to graded positions, are hereby increased by amounts reflecting the respective applicable increases provided by title I of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended. The rates of basic compensation of officers and employees holding ungraded positions and whose salaries are fixed pursuant to section 604(a)(5) may be increased by the amounts reflecting the respective applicable increases provided by title I of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended.

(b) The limitations provided by applicable law on the effective date of this section with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges are hereby increased by amounts which reflect the respective applicable increases provided by title I of this Act in corresponding rates of compensation

60 Stat. 329.

62 Stat. 843.

65 Stat. 725;
62 Stat. 918,
914.

for officers and employees subject to the Classification Act of 1949, as amended.

76 Stat. 866.

(c) Section 753(e) of title 28, United States Code (relating to the compensation of court reporters for district courts), is amended by striking out the existing salary limitation contained therein and inserting a new limitation which reflects the respective applicable increases provided by title I of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended.

70 Stat. 151.

(d) Section 40a of the Bankruptcy Act (11 U.S.C. 68(a)), as amended, relating to the compensation of full-time and part-time referees in bankruptcy, is amended by striking out the existing compensation limitations contained therein and inserting new limitations of "\$22,500" and "\$11,000", respectively.

69 Stat. 9.

Sec. 403. (a) Section 5 of title 28, United States Code, relating to the salaries of the Chief Justice of the United States and of the Associate Justices of the Supreme Court of the United States, is amended by striking out "\$35,500" and substituting therefor "\$40,000", and by striking out "\$35,000" and substituting therefor "\$39,500".

69 Stat. 10.

(b) Section 44(d) of title 28, United States Code, relating to circuit judges, is amended by striking out "\$25,500" and substituting therefor "\$33,000".

(c) Section 135 of title 28, United States Code, relating to district judges, is amended by striking out "\$22,500" and substituting therefor "\$30,000", and by striking out "\$23,000" and substituting therefor "\$30,500".

(d) Section 173 of title 28, United States Code, relating to judges of the Court of Claims, is amended by striking out "\$25,500" and substituting therefor "\$33,000".

(e) Section 213 of title 28, United States Code, relating to judges of the Court of Customs and Patent Appeals, is amended by striking out "\$25,500" and substituting therefor "\$33,000".

(f) Section 252 of title 28, United States Code, relating to judges of the Customs Court, is amended by striking out "\$22,500" and substituting therefor "\$30,000".

63 Stat. 881.

(g) The first paragraph of section 603 of title 28, United States Code, relating to the compensation of the Director and the Deputy Director of the Administrative Office of the United States Courts, is amended to read as follows:

"The Director shall receive a salary of \$27,000 a year. The Deputy Director shall receive a salary of \$26,000 a year."

68 Stat. 1241;
70 Stat. 739.

(h) Subsection (b) of section 792 of title 28, United States Code, relating to the compensation of commissioners of the Court of Claims, is amended to read as follows:

"(b) Each commissioner shall receive basic compensation at the rate of \$26,000 a year, and also all necessary traveling expenses and a per diem allowance as provided in the Travel Expense Act of 1949, as amended, while traveling on official business and away from Washington, District of Columbia."

63 Stat. 166.
5 USC 835 note.

69 Stat. 10.

(i) Section 7443(c) of the Internal Revenue Code of 1954 (68A Stat. 879), as amended, relating to judges of the Tax Court of the United States, is further amended by striking out "\$22,500" and substituting therefor "\$30,000".

70A Stat. 60.

(j) Section 867(a)(1) of title 10, United States Code, relating to judges of the Court of Military Appeals, is amended by striking out "\$25,500" and substituting therefor "\$33,000".

TITLE V—EFFECTIVE DATES

SEC. 501. (a) Except to the extent provided in subsections (b) and (c) of this section, this Act and the increases in compensation made by this Act shall become effective on the first day of the first pay period which begins on or after July 1, 1964.

(b) Section 204 of this Act, relating to increases in compensation for Members of Congress, shall become effective at noon on January 3, 1965.

Members of
Congress.
Ante, p. 415.

(c) Notwithstanding any other provision of this Act (but except as otherwise provided in subsection (b) of this section)—

(1) no rate of compensation which is equal to or in excess of \$22,000 per annum shall be increased in any amount, by reason of section 202 of this Act, until the first day of the first pay period which begins on or after January 1, 1965; and

(2) no rate of compensation which is less than \$22,000 per annum shall be increased to an amount per annum in excess of \$22,000, by reason of section 202 or 203(g) of this Act, until the first day of the first pay period which begins on or after January 1, 1965.

(d) For the purpose of determining the amount of insurance for which an individual is eligible under the Federal Employees' Group Life Insurance Act of 1954, all changes in rates of compensation or salary which result from the enactment of this Act shall be held and considered to be effective as of the date of such enactment.

Life insurance,
amount.

68 Stat. 736,
5 USC 2091
note.

SEC. 502. (a) Retroactive compensation or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of enactment of this Act, except that such retroactive compensation or salary shall be paid (1) to an officer or employee who retired during the period beginning on the effective date prescribed by section 501(a) and ending on the date of enactment of this Act for services rendered during such period and (2) in accordance with the provisions of the Act of August 3, 1950 (Public Law 636, Eighty-first Congress), as amended (5 U.S.C. 61f-61k), for services rendered during the period beginning on the effective date prescribed by section 501(a) and ending on the date of enactment of this Act by an officer or employee who dies during such period. Such retroactive compensation or salary shall not be considered as basic salary for the purpose of the Civil Service Retirement Act in the case of any such retired or deceased officer or employee.

Retroactive
provisions.

64 Stat. 395.

70 Stat. 736,
5 USC 2251
note.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

Approved August 14, 1964.

Public Law 88-427

August 14, 1964
[H. J. Res. 925]

JOINT RESOLUTION

Creating a joint committee to commemorate the one hundredth anniversary of the second inaugural of Abraham Lincoln.

Whereas March 4, 1965, will be the one hundredth anniversary of the second inauguration of Abraham Lincoln as President of the United States; and

Whereas President Lincoln in his inaugural address looked to the end of a great fratricidal struggle and spoke, "with malice toward none and charity for all," of "a just and lasting peace among ourselves and with all nations"; and

Whereas, in the administration he had completed, Abraham Lincoln had preserved the Union of the States, protected the Constitution of the United States, and demonstrated to all men everywhere the success of the American experiment in popular government; and

Whereas the previous actions of the Congress in observing the one hundred and fiftieth anniversary of the birth of this unique American and the one hundredth anniversary of his first inauguration as President had a vast and dramatic impact upon the people of this Nation and throughout the world; and

Whereas these observances advanced the appreciation and understanding of the history and heritage of this Nation; and

Whereas today a part of the aspirations which Abraham Lincoln held for the people of the United States has been achieved: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That on Wednesday, March 4 next, the one hundredth anniversary of Abraham Lincoln's second inauguration shall be commemorated by such observance as may be determined by the committee on arrangements in cooperation with the National Civil War Centennial Commission, the Civil War Centennial Commission of the District of Columbia, and the Lincoln Group of the District of Columbia.

Upon passage of this resolution, the President of the Senate shall appoint four Members of the Senate and the Speaker of the House shall appoint four Members of the House of Representatives jointly to constitute a committee on arrangements.

Upon passage of this resolution and after the Members of the Senate and House have been appointed, the committee on arrangements shall meet and select a chairman from one of their own group and such other officers as will be appropriate and needed who will immediately proceed to plan, in cooperation with the National Civil War Centennial Commission, the Civil War Centennial Commission of the District of Columbia, and the Lincoln Group of the District of Columbia, an appropriate ceremony, issue invitations to the President of the United States, the Vice President of the United States, Secretaries of departments, heads of independent agencies, offices, and commissions, the Chief Justice and Associate Justices of the Supreme Court, the diplomatic corps, assistant heads of departments, Commissioners of the District of Columbia, members of the Lincoln Group of the District of Columbia, centennial commissions from the various States, Civil War roundtables, State and local historical and patriotic societies, and such other students and scholars in the field of history as may have a special interest in the occasion, organize a reenactment of Mr. Lincoln's first inauguration on the eastern portico of the Capitol, select a speaker and other participants, prepare and publish a program and submit a report not later than June 1, 1965.

Approved August 14, 1964.

Abraham
Lincoln.
Second inaugura-
tion, anniversary.

Committee on
arrangements.

Duties.

Public Law 88-428

AN ACT

To further amend the Missing Persons Act to cover certain persons detained in foreign countries against their will, and for other purposes.

August 14, 1964
[H. R. 2989]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Missing Persons Act, as amended (50 U.S.C., App. 1001 et seq.), is amended as follows:

Missing Persons Act, amendment.

(1) Section 1(a) is amended—

56 Stat. 143.

(A) by striking out clauses (1) and (2) and by inserting the following in place thereof:

“(1) a member of the uniformed services as defined in section 101 (3) and (23) of title 37, United States Code;” and

76 Stat. 451,
453.

(B) by redesignating clause (3) as clause “(2)”.

(2) Section 1(b) is amended—

(A) by inserting the words “Air Force,” after the word “Navy;” and

(B) by striking out the words “paragraph (a) (3) above” and inserting the words “paragraph (a) (2) above” in place thereof.

71 Stat. 491.

(3) Section 2(a) is amended—

(A) by striking out the words “or besieged by a hostile force” in the first sentence and inserting the words “besieged by a hostile force, or detained in a foreign country against his will” in place thereof;

(B) by inserting the words “or employment” after the word “service” in the second sentence; and

(C) by striking out the words “or besieged by a hostile force” in the last sentence and inserting the words “besieged by a hostile force, or detained in a foreign country against their will” in place thereof.

(4) The first sentence of section 5 is amended—

56 Stat. 1093.
50 USC app.
1005.

(A) by striking out the words “missing or missing in action” and inserting the words “entitled under section 2 of this Act to receive or be credited with pay and allowances” in place thereof; and

(B) by striking out the words “being a prisoner or of being interned” and inserting the words “the circumstances of the continued absence” in place thereof.

(5) Section 6 is amended—

67 Stat. 21.
50 USC app.
1006.

(A) by striking out the words “and in the hands of a hostile force or is interned in a foreign country” in the first sentence; and

(B) by striking out the words “or missing in action” in the second sentence and inserting the words “under the conditions specified in section 2 of this Act” in place thereof.

(6) Section 7 is amended by striking out the words “in November 1941 and any month subsequent thereto”.

50 USC app.
1007.

(7) Section 10 is amended by inserting the words “Air Force,” after the word “Navy”.

50 USC app.
1010.

(8) The first sentence of section 12 is amended by striking out the words “missing for a period of thirty days or more, interned in a foreign country, or captured by a hostile force” and inserting the words “absent for a period of thirty days or more in any status listed in section 2 of this Act” in place thereof.

50 USC app.
1012.

(9) Section 13 is amended to read as follows:

Tax deferment.

“SEC. 13. Notwithstanding any other provision of law, in the case of any taxable year beginning after December 31, 1940, no Federal income tax return of, or payment of any Federal income tax by—

76 Stat. 451,
453.

“(1) a member of the uniformed services as defined in section 101 (3) and (23) of title 37, United States Code; or

“(2) any civilian officer or employee of any department; who, at the time any such return or payment would otherwise become due, is absent from his duty station under the conditions specified in section 2 of this Act, shall become due until the earlier of the following dates—

“(A) the fifteenth day of the third month in which he ceased (except by reason of death or incompetency) to be absent from his duty station under the conditions specified in section 2 of this Act, unless before the expiration of that fifteenth day he again is absent from his duty station under the conditions specified in section 2 of this Act; or

“(B) the fifteenth day of the third month following the month in which an executor, administrator, or conservator of the estate of the taxpayer is appointed.

Such due date is prescribed subject to the power of the Secretary of the Treasury or his delegate to extend the time for filing such return or paying such tax, as in other cases, and to assess and collect the tax as provided in sections 6851, 6861, and 6871 of the Internal Revenue Code of 1954 in cases in which such assessment or collection is jeopardized and in cases of bankruptcy or receivership.”

26 USC 6851,
6861, 6871.

Approved August 14, 1964.

Public Law 88-429

AN ACT

August 14, 1964
[H. R. 8523]

To authorize the conveyance of certain lands to the city of Saxman, Alaska.

Saxman, Alaska.
Conveyance.

44 Stat. 630.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the trustee for the city of Saxman, Alaska, appointed under the provisions of section 3 of the Act of May 25, 1926 (48 U.S.C. 355c), shall, under the direction of the Secretary of the Interior, convey to such city all right, title, and interest held by such trustee to all lands within the townsite of such city which on the date of enactment of this Act are unoccupied and not held in trust for an Indian or Eskimo under the provisions of such Act of May 25, 1926.

Approved August 14, 1964.

Public Law 88-430

AN ACT

August 14, 1964
[H. R. 8251]

To amend section 612, title 38, United States Code, to authorize dental services and treatment in cases where discharges were corrected by competent authority from dishonorable to conditions other than dishonorable.

Veterans.
Outpatient dental
services.
72 Stat. 1142.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 612(b) (2), title 38, United States Code, is amended by striking the semicolon at the end thereof and adding the following: “, except that if a disqualifying discharge or release has been corrected by competent authority application may be made within one year after the date of correction or the date of enactment of this exception, whichever is later;”.

Approved August 14, 1964.

Public Law 88-431

AN ACT

August 14, 1964
[H. R. 4739]

To amend section 406 of title 37, United States Code, with regard to the advance movement of dependents and baggage and household effects of members of the uniformed services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 406 of title 37, United States Code, is amended by adding the following new subsection at the end thereof:

“(h) In the case of a member who is serving at a station outside the United States or in Hawaii or Alaska, if the Secretary concerned determines it to be in the best interests of the member or his dependents and the United States, he may, when orders directing a change of permanent station for the member concerned have not been issued, or when they have been issued but cannot be used as authority for the transportation of his dependents, baggage, and household effects—

“(1) authorize the movement of the member’s dependents, baggage, and household effects at that station to an appropriate location in the United States or its possessions and prescribe transportation in kind, reimbursement therefor, or a monetary allowance in place thereof, as the case may be, as authorized under subsection (a) or (b) of this section; and

“(2) authorize the transportation of one motor vehicle owned by the member and for his or his dependents’ personal use to that location on a vessel owned, leased, or chartered by the United States or by privately owned American shipping services.

If the member’s baggage and household effects are in nontemporary storage under subsection (d) of this section, the Secretary concerned may authorize their movement to the location concerned and prescribe transportation in kind or reimbursement therefor, as authorized under subsection (b) of this section. For the purposes of this section, a member’s unmarried child for whom the member received transportation in kind to his station outside the United States or in Hawaii or Alaska, reimbursement therefor, or a monetary allowance in place thereof and who became 21 years of age while the member was serving at that station shall be considered as a dependent of the member.”

(b) The text of section 2634 of title 10, United States Code, is amended to read as follows:

“When a member of an armed force is ordered to make a permanent change of station, one motor vehicle owned by him and for his personal use may be transported to his new station at the expense of the United States—

“(1) on a vessel owned, leased, or chartered by the United States; or

“(2) by privately owned American shipping services; unless a motor vehicle owned by him was transported in advance of that permanent change of station under section 406(h) of title 37.”

(c)(1) Section 3(a) of the Act of August 10, 1956, ch. 1041, as amended (33 U.S.C. 857a(a)), is amended by adding the following new clause at the end thereof:

“(11) Section 2634, Motor vehicles: for members on permanent change of station.”

Uniformed serv-
ices.
Travel and trans-
portation allow-
ances.
76 Stat. 473.

76 Stat. 511.

Motor vehicles.

73 Stat. 358;
76 Stat. 495.

Repeal.

75 Stat. 506.

70A Stat. 619;
76 Stat. 244.

(2) Section 20 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853s) is repealed.

(d) Section 221(a) of the Public Health Service Act, as amended (42 U.S.C. 213a(a)), is amended by adding the following new clause at the end thereof:

"(10) Section 2634, Motor vehicles: for members on permanent change of station."

Approved August 14, 1964.

Public Law 88-432

August 14, 1964
[H. R. 9634]

AN ACT

To authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Girl Scouts of the United States of America for use at the 1965 Girl Scouts Senior Roundup encampment, and for other purposes.

Girl Scouts.
1965 encamp-
ment.

64 Stat. 22.
36 USC 31-39.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Defense is hereby authorized, under such regulations as he may prescribe, to lend to the Girl Scouts of the United States of America, a corporation created under the Act of March 16, 1950, for the use and accommodation of approximately eleven thousand Girl Scouts and officials who are to attend the Girl Scouts senior roundup encampment to be held in July 1965, at Farragut Wildlife Management Area, Idaho, such tents, cots, blankets, commissary equipment, flags, refrigerators, vehicles, and other equipment as may be necessary or useful to the extent that items are in stock and available and their issue will not jeopardize the national defense program.

(b) Such equipment is authorized to be delivered at such time prior to the holding of such encampment, and to be returned at such time after the close of such encampment, as may be agreed upon by the Secretary of Defense and the Girl Scouts of the United States of America. No expense shall be incurred by the United States Government for the delivery and return of such equipment and the Girl Scouts of the United States of America shall pay for the cost of the actual rehabilitation and repair or replacement of such equipment.

Bond.

(c) The Secretary of Defense, before delivering such property, shall take from the Girl Scouts of the United States of America a good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States.

Services.

SEC. 2. The Secretary of Defense is hereby authorized, under such regulations as he may prescribe, to provide to the Girl Scouts of the United States of America, in support of the encampment referred to in subsection (a) of the first section of this Act, such communication, medical, engineering, protective, and other logistical services as may be necessary or useful to the extent that such services are available and the providing of them will not jeopardize the national defense program.

Agency as-
sistance.

SEC. 3. Each department of the Federal Government is hereby authorized under such regulations as may be prescribed by the Secretary thereof to assist the Girl Scouts of the United States of America in the carrying out and the fulfillment of the plans for the encampment referred to in subsection (a) of the first section of this Act.

Approved August 14, 1964.

Public Law 88-433

AN ACT

To facilitate the performance of medical research and development within the Veterans' Administration, by providing for the indemnification of contractors.

August 14, 1964
[H. R. 8611]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 216 of title 38, United States Code, is amended by inserting "(1)" immediately after "(a)", and changing "(b)" and "(c)" to "(2)" and "(3)", respectively.

Veterans Admin-
istration.
Research con-
tractors, indemni-
fication.
72 Stat. 1116.

(b) Such section 216 is further amended by adding at the end thereof a new subsection (b), as follows:

"(b) (1) With the approval of the Administrator, any contract for research authorized by this section or for medical research or development authorized by section 4101 of this title, the performance of which involves a risk of an unusually hazardous nature, may provide that the United States will indemnify the contractor against either or both of the following, but only to the extent that they arise out of the direct performance of the contract and to the extent not covered by the financial protection required under subsection (b) (5)—

72 Stat. 1243.

"(A) liability (including reasonable expenses of litigation or settlement) to third persons, except liability under State or Federal Workmen's Compensation Acts to employees of the contractor employed at the site of and in connection with the contract for which indemnification is granted, for death, bodily injury, or loss of or damage to property, from a risk that the contract defines as unusually hazardous.

"(B) loss of or damage to property of the contractor from a risk that the contract defines as unusually hazardous.

"(2) A contract that provides for indemnification in accordance with subsection (b) (1) must also provide for—

"(A) notice to the United States of any claim or suit against the contractor for death, bodily injury, or loss of or damage to property; and

"(B) control of or assistance in the defense by the United States, at its election, of any such suit or claim for which indemnification is provided hereunder.

"(3) No payment may be made under subsection (b) (1) unless the Administrator, or his designee, certifies that the amount is just and reasonable.

"(4) Upon approval by the Administrator, payments under subsection (b) (1) may be made from—

"(A) funds obligated for the performance of the contract concerned;

"(B) funds available for research or development, or both, and not otherwise obligated; or

"(C) funds appropriated for those payments.

"(5) Each contractor which is a party to an indemnification agreement under subsection (b) (1) shall have and maintain financial protection of such type and in such amounts as the Administrator shall require to cover liability to third persons and loss of or damage to the contractor's property. The amount of financial protection required shall be the maximum amount of insurance available from private sources, except that the Administrator may establish a lesser amount, taking into consideration the cost and terms of private insurance. Such financial protection may include private insurance, private contractual indemnities, self-insurance, other proof of financial responsibility, or a combination of such measures.

"(6) In administering the provisions of this section, the Administrator may use the facilities and services of private insurance organizations, and he may contract to pay a reasonable compensation therefor. Any contract made under the provisions of this subsection may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5), upon a showing by the Administrator that advertising is not reasonably practicable, and advance payments may be made.

"(7) The authority to indemnify contractors under this section does not create any rights in third persons which would not otherwise exist by law.

"Contractor."

"(8) As used in this section, the term 'contractor' includes subcontractors of any tier under a contract in which an indemnification provision pursuant to subsection (b) (1) is contained."

(c) Such section 216 is further amended by adding the following at the end of the catchline: **“; indemnification of contractors”**.

(d) The analysis of chapter 3 of such title 38 regarding section 216 is amended by inserting before the period at the end thereof **“; indemnification of contractors”**.

Special restora-
tive training.
Effective date.

SEC. 2. The amendments made by section 6 of the Act of July 7, 1964 (Public Law 88-361, 78 Stat. 297), shall take effect as of January 1, 1964.

Approved August 14, 1964.

Public Law 88-434

AN ACT

August 14, 1964
[H. R. 7751]

To extend certain construction authority to the Administrator of Veterans' Affairs in order to provide adequate veterans' hospital facilities in Los Angeles, California.

Los Angeles,
Calif.; Hazard
Park.
Army Reserve
Center, construc-
tion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to make available an adequate site for the proposed Veterans' Administration hospital on land known as Hazard Park, city of Los Angeles, California, the Administrator of Veterans' Affairs is authorized to construct for the Department of Defense an Army Reserve Center on a site approved by the Department of Defense to be provided for such purpose by the city of Los Angeles and pursuant to specifications established by such Department or any component thereof. Such construction may be effected under any procedure now authorized for the construction of Veterans' Administration hospitals.

SEC. 2. Upon completion of such Reserve Center the Department of Defense is authorized to (1) assume full control and jurisdiction thereof, and (2) relinquish to the Veterans' Administration all right, title, and interest in and to the now existing Army Reserve Center located on the Hazard Park tract.

SEC. 3. Funds appropriated to the Veterans' Administration for the construction of hospital and domiciliary facilities shall be available for the purpose of the first section of this Act.

Approved August 14, 1964.

Public Law 88-435

AN ACT

To validate certain payments of per diem allowances made to members of the Coast Guard.

August 14, 1964
[H. R. 11255]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all duly authorized payments of per diem allowances made to members of the Coast Guard who served in the precommissioning detail for the Coast Guard Reserve Training Center, Yorktown, Virginia, from March 8, 1959, to July 2, 1959, are validated. Any member or former member who has made a repayment to the United States of any amount authorized and so paid to him as a per diem allowance is entitled to have refunded to him the amount so repaid. No person who received per diem payments referred to in this section is entitled to receive quarters or subsistence allowance in addition to the validated per diem payments for the same period.

Coast Guard.
Per diem allow-
ances, validation.

SEC. 2. The Comptroller General of the United States, or his designee, shall relieve authorized certifying officers of the Coast Guard from accountability or responsibility for any duly authorized payments described in section 1 of this Act, and shall allow credits in settlement of the accounts of those officers for duly authorized payments which are found to be free from fraud and collusion.

SEC. 3. Appropriations available to the Coast Guard for operating expenses are available for payments under this Act.

Approved August 14, 1964.

Public Law 88-436

AN ACT

To amend title 10, United States Code, to authorize increased fees for the sale of United States Naval Oceanographic Office publications.

August 14, 1964
[H. R. 10319]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 7394 of title 10, United States Code, is amended to read as follows:

“§ 7394. Price of maps, charts, and navigational publications

“All maps, charts, and other publications offered for sale by the United States Naval Oceanographic Office shall be sold at such prices and under such regulations as may be determined by the Secretary of the Navy. Money received from the sales shall be covered into the Treasury.”

(b) The analysis of chapter 639 of title 10, United States Code, is amended by striking out the following item:

“7394. Price of maps, charts, and nautical books.”

and inserting the following item in place thereof:

“7394. Price of maps, charts, and navigational publications.”

SEC. 2. The proviso under the subtitle “Bureau of Navigation” in the Act of February 14, 1879, ch. 68 (20 Stat. 284, 286; 44 U.S.C. 279a), is repealed.

Repeal.

Approved August 14, 1964.

U.S. Naval
Oceanographic
Office publica-
tions.
Increased fees.
70A Stat. 457.

Public Law 88-437

August 14, 1964
[H. R. 11035]

AN ACT

To authorize the extension of certain naval vessel loans now in existence.

Naval vessel
loans.
Extension.
70A Stat. 452.

50 USC app.
1878-1878i, 1879.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 7307 of title 10, United States Code, or any other law, the President may extend on such terms and under such conditions as he deems appropriate the loan of ships, previously authorized as indicated, as follows: (1) Argentina, two submarines (Act of July 18, 1958 (72 Stat. 376)); (2) Brazil, two destroyers (Act of July 18, 1958 (72 Stat. 376)); (3) China, four destroyers (Act of August 5, 1953 (67 Stat. 363), as amended); (4) Germany, five destroyers (Act of July 18, 1958 (72 Stat. 376)); (5) Greece, four destroyers (Act of July 18, 1958 (72 Stat. 376)); (6) Italy, three submarines (Act of August 5, 1953 (67 Stat. 363), as amended, and Act of July 18, 1958 (72 Stat. 376)); (7) Japan, one submarine (Act of August 5, 1953 (67 Stat. 363)); (8) four destroyers (Act of August 5, 1953 (67 Stat. 363) and Act of July 18, 1958 (72 Stat. 376)), and two destroyer escorts (Act of August 5, 1953 (67 Stat. 363)); (9) Netherlands, two submarines (Act of July 11, 1952 (66 Stat. 587), as amended); (10) Peru, one destroyer (Act of July 18, 1958 (72 Stat. 376)); (11) Spain, one submarine and three destroyers (Act of July 18, 1958 (72 Stat. 376)); (12) Thailand, one destroyer escort (Act of July 18, 1958 (72 Stat. 376)); and (13) Turkey, five submarines (Act of August 7, 1953 (67 Stat. 471), as amended, and Act of July 18, 1958 (72 Stat. 376)).

SEC. 2. All loan extensions executed under this Act shall be for periods not exceeding five years, but the President may in his discretion extend such loans for an additional period of not more than five years. They shall be made on the condition that they may be terminated at an earlier date if necessitated by the defense requirements of the United States.

SEC. 3. No loan may be extended under this Act unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such extension is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all extensions made under authority of this Act.

SEC. 4. The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act.

Approved August 14, 1964.

Public Law 88-438

August 14, 1964
[H. R. 10610]

AN ACT

To provide for the conveyance of certain real property under the control of the Administrator of Veterans' Affairs.

McKinney, Tex.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs shall be authorized to convey to the city of McKinney, Texas, at 50 per centum of its appraised value, and for recreational purposes, all right, title, and interest of the United States in and to a portion of the real property of the Veterans' Administration Hospital, McKinney, Texas, approximating thirty-nine acres, more or less. The exact legal description and the appraised value

of such real property shall be determined by the Administrator of Veterans' Affairs and in the event a survey or an appraisal is required in order to make such determinations the city of McKinney shall bear the expense thereof.

SEC. 2. Any deed of conveyance made pursuant to this Act shall contain such additional terms, conditions, reservations, and restrictions as may be determined by the Administrator of Veterans' Affairs to be necessary to protect the interests of the United States.

Approved August 14, 1964.

Public Law 88-439

AN ACT

To amend subsection (c) of section 1332 of title 28, United States Code, relating to diversity of citizenship.

August 14, 1964
[H. R. 1997]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 1332 of title 28, United States Code, is amended to read as follows:

District courts.
Diversity juris-
diction.
72 Stat. 415.
62 Stat. 937.

“(c) For the purposes of this section and section 1441 of this title, a corporation shall be deemed a citizen of any State by which it has been incorporated and of the State where it has its principal place of business: *Provided further,* That in any direct action against the insurer of a policy or contract of liability insurance, whether incorporated or unincorporated, to which action the insured is not joined as a party-defendant, such insurer shall be deemed a citizen of the State of which the insured is a citizen, as well as of any State by which the insurer has been incorporated and of the State where it has its principal place of business.”

SEC. 2. The amendment made by this Act to section 1332(c), title 28, United States Code, applies only to causes of action arising after the date of enactment of this Act.

Approved August 14, 1964.

Public Law 88-440

AN ACT

To provide for the conveyance of certain real property under the control of the Administrator of Veterans' Affairs.

August 14, 1964
[H. R. 10611]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is authorized to convey to the city of McKinney, Texas, the sewage treatment plant (with easements relating thereto) of the Veterans' Administration hospital of McKinney, Texas, if the city of McKinney, Texas, in consideration therefor, agrees to treat all sewage from such hospital without charge for a period of ten years from the date of such conveyance.

McKinney, Tex.
Sewage plant,
conveyance.

SEC. 2. Any deed of conveyance made pursuant to this Act shall contain such additional terms, conditions, reservations, and restrictions as may be determined by the Administrator of Veterans' Affairs to be necessary to protect the interests of the United States.

Approved August 14, 1964.

Public Law 88-441

August 14, 1964
[S. 1336]

AN ACT

To provide that the price at which the Coast and Geodetic Survey sells certain charts and related material to the public shall not be less than the cost thereof.

Coast and Geo-
detic Survey.
Pricing of
charts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 76 of the Act entitled "An Act providing for the public printing and binding and the distribution of public documents", approved January 12, 1895 (28 Stat. 620; 44 U.S.C. 246), as amended, is amended to read:

"a. The charts published by the Coast and Geodetic Survey shall be sold at cost of paper and printing as nearly as practicable. The price to the public shall include all expenses incurred in actual reproduction of the charts after the original cartography, such as photography, opaquing, platemaking, press time and bindery operations; the full postage rates, according to the rates for postal services used; and any additional cost factors deemed appropriate by the Secretary, such as overhead and administrative expenses allocable to the production of the charts and related reference materials: *Provided*, That the costs of basic surveys and geodetic work done by the Coast and Geodetic Survey shall not be included in the price of such charts and reference materials. The Secretary of Commerce shall publish the prices at which such charts and reference materials are sold to the public at least once each calendar year.

Free distribu-
tion.
Limitation.

"b. There shall be no free distribution of such charts except to the departments and officers of the United States requiring them for public use; and a number of copies of each sheet, not to exceed three hundred, to be presented to such foreign governments, libraries, and scientific associations, and institutions of learning as the Secretary of Commerce may direct; but on the order of Senators, Representatives, and Delegates not to exceed one hundred copies to each may be distributed through the Director of the Coast and Geodetic Survey."

Approved August 14, 1964.

Public Law 88-442

August 14, 1964
[H. R. 9521]

AN ACT

To increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

Missouri River
Basin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to previous authorizations, there is hereby authorized to be appropriated for fiscal years 1965 and 1966 the sum of \$120,000,000 for the prosecution of the comprehensive plan adopted by section 9(a) of the Act approved December 22, 1944 (Public Law Numbered 534, Seventy-eighth Congress), as amended and supplemented by subsequent Acts of Congress, for continuing the works in the Missouri River Basin to be undertaken under said plans by the Secretary of the Interior. No part of the funds hereby authorized to be appropriated shall be available to initiate construction of any unit of the Missouri River Basin project, whether included in said comprehensive plan or not, which is not hereafter authorized by Act of Congress.

58 Stat. 891;
74 Stat. 502;
77 Stat. 842.

Approved August 14, 1964.

Public Law 88-443

AN ACT

August 18, 1964
[H. R. 10041]

To improve the public health through revising, consolidating, and improving the hospital and other medical facilities provisions of the Public Health Service Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hospital and Medical Facilities Amendments of 1964".

Hospital and
Medical Facili-
ties Amendments
of 1964.

SEC. 2. Part B of title III of the Public Health Service Act (42 U.S.C. 243, et seq.) is amended by inserting at the end thereof the following new section:

58 Stat. 693;
75 Stat. 824;
76 Stat. 1155.

"SPECIAL PROJECT GRANTS FOR ASSISTING IN THE AREA-WIDE PLANNING OF
HEALTH AND RELATED FACILITIES

"SEC. 318. There are authorized to be appropriated \$2,500,000 for the fiscal year ending June 30, 1965, and \$5,000,000 for each of the next four fiscal years to enable the Surgeon General to make grants to the appropriate State agency or agencies designated in accordance with section 604(a) (1) to cover not to exceed 50 per centum of the costs of projects for developing (and from time to time revising) and supervising and assisting in the carrying out of comprehensive regional, metropolitan area, or other local area plans for coordination of existing and planned health facilities, and facilities related thereto, and services provided by such facilities."

Post, p. 452.

SEC. 3. (a) Title VI of the Public Health Service Act (42 U.S.C., ch. 6A, subch. IV) is amended to read as follows:

60 Stat. 1041;
68 Stat. 461;
72 Stat. 489.

"TITLE VI—ASSISTANCE FOR CONSTRUCTION AND
MODERNIZATION OF HOSPITALS AND OTHER MEDICAL FACILITIES

"DECLARATION OF PURPOSE

"SEC. 600. The purpose of this title is—

"(a) to assist the several States in the carrying out of their programs for the construction and modernization of such public or other nonprofit community hospitals and other medical facilities as may be necessary, in conjunction with existing facilities, to furnish adequate hospital, clinic, or similar services to all their people;

"(b) to stimulate the development of new or improved types of physical facilities for medical, diagnostic, preventive, treatment, or rehabilitative services; and

"(c) to promote research, experiments, and demonstrations relating to the effective development and utilization of hospital, clinic, or similar services, facilities, and resources, and to promote the coordination of such research, experiments, and demonstrations and the useful application of their results.

“PART A—GRANTS AND LOANS FOR CONSTRUCTION AND MODERNIZATION
OF HOSPITALS AND OTHER MEDICAL FACILITIES

“AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION GRANTS

“SEC. 601. In order to assist the States in carrying out the purposes of section 600, there are authorized to be appropriated—

“(a) for the fiscal year ending June 30, 1965, and each of the next four fiscal years—

“(1) \$70,000,000 for grants for the construction of public or other nonprofit facilities for long-term care;

“(2) \$20,000,000 for grants for the construction of public or other nonprofit diagnostic or treatment centers;

“(3) \$10,000,000 for grants for the construction of public or other nonprofit rehabilitation facilities;

“(b) for grants for the construction of public or other nonprofit hospitals and public health centers and for grants for modernization of such facilities and the facilities referred to in paragraph (a), \$150,000,000 for the fiscal year ending June 30, 1965, \$160,000,000 for the fiscal year ending June 30, 1966, \$170,000,000 for the fiscal year ending June 30, 1967, and \$180,000,000 each for the next two fiscal years.

“STATE ALLOTMENTS

“SEC. 602. (a) (1) Each State shall be entitled for each fiscal year to an allotment bearing the same ratio to the sums appropriated for such year pursuant to subparagraphs (1), (2), and (3), respectively, of section 601(a), and to an allotment bearing the same ratio to the new hospital portion of the sums appropriated for such year pursuant to section 601(b), as the product of—

“(A) the population of such State, and

“(B) the square of its allotment percentage,

bears to the sum of the corresponding products for all of the States. As used in this paragraph, the new hospital portion of sums appropriated pursuant to section 601(b) (which portion shall be available for grants for the construction of public or other nonprofit hospitals and public health centers) is 100 per centum of such sums in the case of the fiscal year ending June 30, 1965, seven-eighths thereof in the case of the first fiscal year thereafter, twenty-seven thirty-fourths thereof in the case of the second fiscal year thereafter, thirteen-eightieths thereof in the case of the third fiscal year thereafter, twenty-five thirty-sixths thereof in the case of the fourth fiscal year thereafter.

“(2) For each fiscal year beginning after June 30, 1965, the Surgeon General shall, in accordance with regulations, make allotments from the remainder of the sums appropriated pursuant to section 601(b) (which portion shall be available for grants for modernization of facilities referred to in paragraphs (a) and (b) of section 601) on the basis of the population, the extent of the need for modernization of the facilities referred to in paragraphs (a) and (b) of section 601, and the financial need of the respective States.

“(b) (1) The allotment to any State under subsection (a) for any fiscal year which is less than—

“(A) \$25,000 for the Virgin Islands, American Samoa, or Guam and \$50,000 for any other State, in the case of an allotment for grants for the construction of public or other nonprofit rehabilitation facilities,

“(B) \$50,000 for the Virgin Islands, American Samoa, or Guam and \$100,000 for any other State in the case of an allotment

for grants for the construction of public or other nonprofit diagnostic or treatment centers, or

“(C) \$100,000 for the Virgin Islands, American Samoa, or Guam and \$200,000 for any other State in the case of an allotment for grants for the construction of public or other nonprofit facilities for long-term care or for the construction of public or other nonprofit hospitals and public health centers, or for the modernization of facilities referred to in paragraph (a) or (b) of section 601,

shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotment from appropriations under such subparagraph or paragraph to each of the remaining States under subsection (a) of this section, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from appropriations under such subparagraph or paragraph from being thereby reduced to less than that amount.

“(2) An allotment of the Virgin Islands, American Samoa, or Guam for any fiscal year may be increased as provided in paragraph (1) only to the extent it satisfies the Surgeon General, at such time prior to the beginning of such year as the Surgeon General may designate, that such increase will be used for payments under and in accordance with the provisions of this part.

“(c) For the purposes of this part—

“(1) The ‘allotment percentage’ for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the allotment percentage shall in no case be more than 75 per centum or less than $33\frac{1}{3}$ per centum, and (B) the allotment percentage for the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 75 per centum.

Allotment percentages.

“(2) The allotment percentages shall be determined by the Surgeon General between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of each of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce, and the States shall be notified promptly thereof. Such determination shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such determination.

“(3) The population of the several States shall be determined on the basis of the latest figures certified by the Department of Commerce.

“(4) The term ‘United States’ means (but only for purposes of paragraphs (1) and (2)) the fifty States and the District of Columbia.

“(d) (1) Any sum allotted to a State, other than the Virgin Islands, American Samoa, and Guam for a fiscal year under this section and remaining unobligated at the end of such year shall remain available to such State, for the purpose for which made, for the next fiscal year (and for such year only), in addition to the sums allotted to such State for such purpose for such next fiscal year.

“(2) Any sum allotted to the Virgin Islands, American Samoa, or Guam for a fiscal year under this section and remaining unobligated at the end of such year shall remain available to it, for the purpose for which made, for the next two fiscal years (and for such years only), in addition to the sums allotted to it for such purpose for each of such next two fiscal years.

“(e) (1) Upon the request of any State that—

“(A) a specified portion of any allotment of such State under paragraph (1) of subsection (a), other than an allotment for

grants for the construction of public or other nonprofit rehabilitation facilities, be added to another allotment of such State under paragraph (1) or (2) of such subsection, other than an allotment for grants for the construction of public or other nonprofit hospitals and public health centers, or

“(B) a specified portion of an allotment of such State under paragraph (2) of subsection (a) be added to an allotment of such State under paragraph (1) of such subsection, and upon simultaneous certification to the Surgeon General by the State agency in such State to the effect that—

“(C) it has afforded a reasonable opportunity to make applications for the portion so specified and there have been no approvable applications for such portion, or

“(D) in the case of a request to transfer a portion of an allotment under paragraph (1) of subsection (a) for grants for the construction of public or other nonprofit hospitals and public health centers, use of such portion as requested by such State agency will better carry out the purposes of this title, the Surgeon General shall promptly (but after application of subsection (b)) adjust the allotments of such State in accordance with such request and shall notify the State agency.

“(2) In addition to the transfer of portions of allotments under paragraph (1), the Surgeon General, upon the request of any State that a specified portion of an allotment of such State under paragraph (2) of subsection (a) be added to an allotment of such State under paragraph (1) of such subsection for grants for the construction of public or other nonprofit hospitals and public health centers and upon simultaneous certification to him by the State agency in such State to the effect that the need for new public or other nonprofit hospitals and public health centers is substantially greater than the need for modernization of facilities referred to in paragraph (a) or (b) of section 601, shall promptly (but after application of subsection (b) of this section) adjust the allotments of such State in accordance with such request and shall notify the State agency; except that not more than the following portions of allotments of a State under paragraph (2) of subsection (a) may be so added (under this paragraph) to allotments of such State under paragraph (1) of such subsection:

“(A) in the case of an allotment under paragraph (2) of subsection (a) for the fiscal year ending June 30, 1966, one-half of such allotment;

“(B) in the case of an allotment thereunder for the fiscal year ending June 30, 1967, three-sevenths of such allotment;

“(C) in the case of an allotment thereunder for the fiscal year ending June 30, 1968, two-fifths of such allotment; and

“(D) in the case of an allotment thereunder for the fiscal year ending June 30, 1969, five-elevenths of such allotment.

“(3) After adjustment of allotments of any State as provided in paragraph (1) or (2) of this subsection, the allotments as so adjusted shall be deemed to be the State's allotments under this section.

“(f) In accordance with regulations, any State may file with the Surgeon General a request that a specified portion of an allotment to it under this part for grants for construction of any type of facility, or for modernization of facilities, be added to the corresponding allotment of another State for the purpose of meeting a portion of the Federal share of the cost of a project for the construction of a facility of that type in such other State, or for modernization of a facility in such other State, as the case may be. If it is found by the Surgeon General (or, in the case of a rehabilitation facility, by the Surgeon General and the Secretary) that construction or modernization of the

facility with respect to which the request is made would meet needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, would assist in carrying out the purposes of this title, such portion of such State's allotment shall be added to the corresponding allotment of the other State, to be used for the purpose referred to above.

“GENERAL REGULATIONS

“Sec. 603. The Surgeon General, with the approval of the Federal Hospital Council and the Secretary of Health, Education, and Welfare, shall by general regulations prescribe—

“(a) the general manner in which the State agency shall determine the priority of projects based on the relative need of different areas lacking adequate facilities of various types for which assistance is available under this part, giving special consideration—

“(1) in the case of projects for the construction of hospitals, to facilities serving rural communities and areas with relatively small financial resources;

“(2) in the case of projects for the construction of rehabilitation facilities, to facilities operated in connection with a university teaching hospital which will provide an integrated program of medical, psychological, social, and vocational evaluation and services under competent supervision;

“(3) in the case of projects for modernization of facilities, to facilities serving densely populated areas; and

“(4) to the extent deemed feasible by the State agency, to hospital facilities which will include new or expanded facilities for nurse training;

“(b) general standards of construction and equipment for facilities of different classes and in different types of location, for which assistance is available under this part;

“(c) criteria for determining needs for general hospital and long-term care beds, and needs for hospitals and other facilities for which aid under this part is available, and for developing plans for the distribution of such beds and facilities;

“(d) criteria for determining the extent to which existing facilities, for which aid under this part is available, are in need of modernization; and

“(e) that the State plan shall provide for adequate hospitals, and other facilities for which aid under this part is available, for all persons residing in the State, and adequate hospitals (and such other facilities) to furnish needed services for persons unable to pay therefor. Such regulations may also require that before approval of an application for a project is recommended by a State agency to the Surgeon General for approval under this part, assurance shall be received by the State from the applicant that (1) the facility or portion thereof to be constructed or modernized will be made available to all persons residing in the territorial area of the applicant; and (2) there will be made available in the facility or portion thereof to be constructed or modernized a reasonable volume of services to persons unable to pay therefor, but an exception shall be made if such a requirement is not feasible from a financial viewpoint.

"STATE PLANS

"SEC. 604. (a) Any State desiring to participate in this part may submit a State plan. Such plan must—

"(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

"(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) will have authority to carry out such plan in conformity with this part;

"(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies, concerned with the operation, construction, or utilization of hospital or other facilities for diagnosis, prevention, or treatment of illness or disease, or for provision of rehabilitation services, and an equal number of representatives of consumers familiar with the need for the services provided by such facilities, to consult with the State agency in carrying out the plan, and provide, if such council does not include any representatives of nongovernmental organizations or groups, or State agencies, concerned with rehabilitation, for consultation with organizations, groups, and State agencies so concerned;

"(4) set forth, in accordance with criteria established in regulations prescribed under section 603 and on the basis of a statewide inventory of existing facilities, a survey of need, and (except to the extent provided by or pursuant to such regulations) community, area, or regional plans—

"(A) the number of general hospital beds and long-term care beds, and the number and types of hospital facilities and facilities for long-term care, needed to provide adequate facilities for inpatient care of people residing in the State, and a plan for the distribution of such beds and facilities in service areas throughout the State;

"(B) the public health centers needed to provide adequate public health services for people residing in the State, and a plan for the distribution of such centers throughout the State;

"(C) the diagnostic or treatment centers needed to provide adequate diagnostic or treatment services to ambulatory patients residing in the State, and a plan for distribution of such centers throughout the State;

"(D) the rehabilitation facilities needed to assure adequate rehabilitation services for disabled persons residing in the State, and a plan for distribution of such facilities throughout the State; and

"(E) effective January 1, 1966, the extent to which existing facilities referred to in section 601 (a) or (b) in the State are in need of modernization;

"(5) set forth a construction and modernization program conforming to the provisions set forth pursuant to paragraph (4) and regulations prescribed under section 603 and providing for construction or modernization of the hospital or long-term care facilities, public health centers, diagnostic or treatment centers, and rehabilitation facilities which are needed, as determined under the provisions so set forth pursuant to paragraph (4);

"(6) set forth, with respect to each of such types of medical facilities, the relative need, determined in accordance with regulations prescribed under section 603, for projects for facilities of

that type, and provide for the construction or modernization, insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need;

"(7) provide minimum standards (to be fixed in the discretion of the State) for the maintenance and operation of facilities providing inpatient care which receive aid under this part and, effective July 1, 1966, provide for enforcement of such standards with respect to projects approved by the Surgeon General under this part after June 30, 1964;

"(8) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Surgeon General shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Surgeon General to be necessary for the proper and efficient operation of the plan;

"(9) provide for affording to every applicant for a construction or modernization project an opportunity for a hearing before the State agency;

"(10) provide that the State agency will make such reports, in such form and containing such information, as the Surgeon General may from time to time reasonably require, and will keep such records and afford such access thereto as the Surgeon General may find necessary to assure the correctness and verification of such reports;

"(11) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to the records specified in paragraph (10); and

"(12) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Surgeon General any modifications thereof which it considers necessary.

"(b) The Surgeon General shall approve any State plan and any modification thereof which complies with the provisions of subsection (a). If any such plan or modification thereof shall have been disapproved by the Surgeon General for failure to comply with subsection (a), the Federal Hospital Council shall, upon request of the State agency, afford it an opportunity for hearing. If such Council determines that the plan or modification complies with the provisions of such subsection, the Surgeon General shall thereupon approve such plan or modification.

"APPROVAL OF PROJECTS FOR CONSTRUCTION OR MODERNIZATION

"SEC. 605. (a) For each project pursuant to a State plan approved under this part, there shall be submitted to the Surgeon General, through the State agency, an application by the State or a political subdivision thereof or by a public or other nonprofit agency. If two or more such agencies join in the project, the application may be filed by one or more of such agencies. Such application shall set forth—

"(1) a description of the site for such project;

"(2) plans and specifications therefor, in accordance with regulations prescribed under section 603;

"(3) reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or other nonprofit agency which is to operate the facility on completion of the project;

"(4) reasonable assurance that adequate financial support will be available for the completion of the project and for its maintenance and operation when completed;

"(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of construction or modernization on the project will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

"(6) a certification by the State agency of the Federal share for the project.

"(b) The Surgeon General shall approve such application if sufficient funds to pay the Federal share of the cost of such project are available from the appropriate allotment to the State, and if the Surgeon General finds (1) that the application contains such reasonable assurance as to title, financial support, and payment of prevailing rates of wages; (2) that the plans and specifications are in accord with the regulations prescribed pursuant to section 603; (3) that the application is in conformity with the State plan approved under section 604 and contains an assurance that in the operation of the project there will be compliance with the applicable requirements of the regulations prescribed under section 603(e), and with State standards for operation and maintenance; and (4) that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State in accordance with the regulations prescribed pursuant to section 603(a). Notwithstanding the preceding sentence, the Surgeon General may approve such an application for a project for construction or modernization of a rehabilitation facility only if it is also approved by the Secretary of Health, Education, and Welfare.

"(c) No application shall be disapproved until the Surgeon General has afforded the State agency an opportunity for a hearing.

"(d) Amendment of any approved application shall be subject to approval in the same manner as an original application.

"(e) Notwithstanding any other provision of this title, no application for a diagnostic or treatment center shall be approved under this section unless the applicant is (1) a State, political subdivision, or public agency, or (2) a corporation or association which owns and operates a nonprofit hospital (as defined in section 625).

"PAYMENTS FOR CONSTRUCTION OR MODERNIZATION

"SEC. 606. (a) Upon certification to the Surgeon General by the State agency, based upon inspection by it, that work has been performed upon a project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment is due to the applicant, such installment shall be paid to the State, from the applicable allotment of such State, except that (1) if the State is not authorized by law to make payments to the applicant, or if the State so requests, the payment shall be made directly to the applicant, (2) if the Surgeon General, after investigation or otherwise, has reason to believe that any act (or failure to act) has occurred

49 Stat. 1011;
Ante, p. 238.

64 Stat. 1267.
63 Stat. 108.

requiring action pursuant to section 607, payment may, after he has given the State agency notice of opportunity for hearing pursuant to such section, be withheld, in whole or in part, pending corrective action or action based on such hearing, and (3) the total of payments under this subsection with respect to such project may not exceed an amount equal to the Federal share of the cost of construction of such project.

“(b) In case an amendment to an approved application is approved as provided in section 605 or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the applicable allotment of the State for the fiscal year in which such amendment or revision is approved.

“(c) (1) At the request of any State, a portion of any allotment or allotments of such State under this part shall be available to pay one-half (or such smaller share as the State may request) of the expenditures found necessary by the Surgeon General for the proper and efficient administration during such year of the State plan approved under this part; except that not more than 2 per centum of the total of the allotments of such State for a year, or \$50,000, whichever is less, shall be available for such purpose for such year. Payments of amounts due under this paragraph may be made in advance or by way of reimbursement, and in such installments, as the Surgeon General may determine.

“(2) Any amount paid under paragraph (1) to any State for any fiscal year shall be paid on condition that there shall be expended from State sources for such year for administration of the State plan approved under this part not less than the total amount expended for such purposes from such sources during the fiscal year ending June 30, 1964.

“WITHHOLDING OF PAYMENTS

“SEC. 607. Whenever the Surgeon General, after reasonable notice and opportunity for hearing to the State agency designated as provided in section 604(a) (1), finds—

“(a) that the State agency is not complying substantially with the provisions required by section 604 to be included in its State plan; or

“(b) that any assurance required to be given in an application filed under section 605 is not being or cannot be carried out; or

“(c) that there is a substantial failure to carry out plans and specifications approved by the Surgeon General under section 605; or

“(d) that adequate State funds are not being provided annually for the direct administration of the State plan,

the Surgeon General may forthwith notify the State agency that—

“(e) no further payments will be made to the State under this part, or

“(f) no further payments will be made from the allotments of such State from appropriations under any one or more subparagraphs or paragraphs of section 601, or for any project or projects, designated by the Surgeon General as being affected by the action or inaction referred to in paragraph (a), (b), (c), or (d) of this section,

as the Surgeon General may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments may be withheld, in whole or in part, until there is no longer any failure to comply (or carry out the assurance or plans and specifications or provide adequate State funds, as the case

may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

"JUDICIAL REVIEW

"SEC. 608. (a) If the Surgeon General refuses to approve any application for a project submitted under section 605 or section 610, the State agency through which such application was submitted, or if any State is dissatisfied with his action under section 607 such State may appeal to the United States court of appeals for the circuit in which such State is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Surgeon General, or any officer designated by him for that purpose. The Surgeon General shall thereupon file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Surgeon General or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Surgeon General may modify or set aside his order.

72 Stat. 941.

"(b) The findings of the Surgeon General as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Surgeon General to take further evidence, and the Surgeon General may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(c) The judgment of the court affirming or setting aside, in whole or in part, any action of the Surgeon General shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Surgeon General's action.

62 Stat. 928.

"RECOVERY

"SEC. 609. If any facility with respect to which funds have been paid under section 606 shall, at any time within twenty years after the completion of construction—

"(a) be sold or transferred to any person, agency, or organization (1) which is not qualified to file an application under section 605, or (2) which is not approved as a transferee by the State agency designated pursuant to section 604, or its successor, or

"(b) cease to be a public health center or a public or other non-profit hospital, diagnostic or treatment center, facility for long-term care, or rehabilitation facility, unless the Surgeon General determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from this obligation,

the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a facility which has ceased to be public or nonprofit, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated) of so much of the facility as constituted an approved project or projects, as the amount

of the Federal participation bore to the cost of the construction or modernization under such project or projects. Such right of recovery shall not constitute a lien upon said facility prior to judgment.

"LOANS FOR CONSTRUCTION OR MODERNIZATION OF HOSPITALS AND OTHER MEDICAL FACILITIES

"SEC. 610. (a) In order further to assist the States in carrying out the purposes of this title, the Surgeon General is authorized to make a loan of funds to the applicant for any project for construction or modernization which meets all of the conditions specified for a grant under this part.

"(b) Except as provided in this section, an application for a loan with respect to any project under this part shall be submitted, and shall be approved by the Surgeon General, in accordance with the same procedures and subject to the same limitations and conditions as would be applicable to the making of a grant under this part for such project. Any such application may be approved in any fiscal year only if sufficient funds are available from the allotment for the type of project involved. All loans under this section shall be paid directly to the applicant.

"(c) (1) The amount of a loan under this part shall not exceed an amount equal to the Federal share of the estimated cost of construction or modernization under the project. Where a loan and a grant are made under this part with respect to the same project, the aggregate amount of such loan and such grant shall not exceed an amount equal to the Federal share of the estimated cost of construction or modernization under the project. Each loan shall bear interest at the rate arrived at by adding one-quarter of 1 per centum per annum to the rate which the Secretary of the Treasury determines to be equal to the current average yield on all outstanding marketable obligations of the United States as of the last day of the month preceding the date the application for the loan is approved and by adjusting the result so obtained to the nearest one-eighth of 1 per centum. Each loan made under this part shall mature not more than forty years after the date on which such loan is made, except that nothing in this part shall prohibit the payment of all or part of the loan at any time prior to the maturity date. In addition to the terms and conditions provided for, each loan under this part shall be made subject to such terms, conditions, and covenants relating to repayment of principal, payment of interest, and other matters as may be agreed upon by the applicant and the Surgeon General.

"(2) The Surgeon General may enter into agreements modifying any of the terms and conditions of a loan made under this part whenever he determines such action is necessary to protect the financial interest of the United States.

"(3) If, at any time before a loan for a project has been repaid in full, any of the events specified in clause (a) or clause (b) of section 609 occurs with respect to such project, the unpaid balance of the loan shall become immediately due and payable by the applicant, and any transferee of the facility shall be liable to the United States for such repayment.

"(d) Any loan under this part shall be made out of the allotment from which a grant for the project concerned would be made. Payments of interest and repayments of principal on loans under this part shall be deposited in the Treasury as miscellaneous receipts.

"PART B—GENERAL

"FEDERAL HOSPITAL COUNCIL AND ADVISORY COMMITTEES

"SEC. 621. (a) In administering this title, the Surgeon General shall consult with a Federal Hospital Council consisting of the Surgeon General, who shall serve as Chairman ex officio, and twelve members appointed by the Secretary of Health, Education, and Welfare. Six of the twelve appointed members shall be persons who are outstanding in fields pertaining to medical facility and health activities, and three of these six shall be authorities in matters relating to the operation of hospitals or other medical facilities, one of them shall be an authority in matters relating to the mentally retarded, and one of them shall be an authority in matters relating to mental health, and the other six members shall be appointed to represent the consumers of services provided by such facilities and shall be persons familiar with the need for such services in urban or rural areas.

"(b) Each appointed member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. An appointed member shall not be eligible to serve continuously for more than two terms (whether beginning before or after enactment of this section) but shall be eligible for reappointment if he has not served immediately preceding his reappointment.

"(c) The Council shall meet as frequently as the Surgeon General deems necessary, but not less than once each year. Upon request by three or more members, it shall be the duty of the Surgeon General to call a meeting of the Council.

"(d) The Council is authorized to appoint such special advisory or technical committees as may be useful in carrying out its functions.

"(e) Appointed Council members and members of advisory or technical committees, while serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary of Health, Education, and Welfare, but not exceeding \$75 per day, including travel time, and, while so serving away from their places of residence, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

60 Stat. 808;
75 Stat. 339, 340.

"CONFERENCE OF STATE AGENCIES

"SEC. 622. Whenever in his opinion the purposes of this title would be promoted by a conference, the Surgeon General may invite representatives of as many State agencies, designated in accordance with section 604, to confer as he deems necessary or proper. A conference of the representatives of all such State agencies shall be called annually by the Surgeon General. Upon the application of five or more of such State agencies, it shall be the duty of the Surgeon General to call a conference of representatives of all State agencies joining in the request.

"STATE CONTROL OF OPERATIONS

"SEC. 623. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any facility with respect to which any funds have been or may be expended under this title.

“STUDIES AND DEMONSTRATIONS RELATING TO COORDINATED USE OF
HOSPITAL FACILITIES

“SEC. 624. (a) The Surgeon General is authorized to conduct research, experiments, and demonstrations relating to the effective development and utilization of services, facilities, and resources of hospitals or other medical facilities and, after consultation with the Federal Hospital Council, to make grants-in-aid to States, political subdivisions, universities, hospitals, and other public and nonprofit private institutions or organizations for projects for the conduct of research, experiments, or demonstrations relating to the development, utilization, and coordination of services, facilities, and resources of hospitals or other medical facilities, agencies, or institutions, and including the construction of units of hospitals or other medical facilities which involve experimental architectural designs or functional layout, the efficiency or economy of which can be tested and evaluated, or the demonstration thereof, and projects for acquisition of experimental or demonstration equipment for use in connection with hospitals or other medical facilities. Any award for any such project made from an appropriation under this section for any fiscal year may include such amounts as the Surgeon General determines to be necessary for succeeding fiscal years for completion of the Federal participation in the project as approved by the Surgeon General. Payments of any such grant may be made in advance or by way of reimbursement, and in such installments, as may be determined by the Surgeon General; and shall be made on such conditions as the Surgeon General finds necessary to carry out the purposes of this section. A grant under this section with respect to any project for construction of a facility or for acquisition of equipment (1) may not exceed \$500,000, and (2) except where the Surgeon General determines that unusual circumstances make a larger percentage necessary in order to effectuate the purposes of this section, may not exceed 50 per centum of so much of the cost of such facility or such equipment as the Surgeon General determines is reasonably attributable to experimental or demonstration purposes. The provisions of clause (5) of the third sentence of subsection (a) of section 605 and any other provisions of such section which the Surgeon General deems appropriate shall be applicable, along with such other conditions as the Surgeon General may determine, to grants under this section for projects for construction or for acquisition of equipment. There is authorized to be appropriated not to exceed \$10,000,000 for any fiscal year to carry out the provisions of this section.

“(b) If, within twenty years after completion of any construction for which funds have been paid under this section—

“(1) the applicant or other owner of the facility shall cease to be a public or other nonprofit institution or organization, or

“(2) the facility shall cease to be used for the purposes for which it was constructed or for the provision of hospital or other services for which construction projects may be approved under this title (unless the Surgeon General determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of the facility an amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility. Such right of recovery shall not constitute a lien on such facility prior to judgment.

"DEFINITIONS

"SEC. 625. For the purposes of this title—

"(a) The term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the District of Columbia.

"(b) The term 'Federal share' with respect to any project means the proportion of the cost of construction of such project to be paid by the Federal Government, determined as follows:

"(1) With respect to projects for which grants are made from allotments made from appropriations under paragraph (b) of section 601, the Federal share shall be whichever of the following the State elects:

"(A) the share determined by the State agency in accordance with standards, included in the State plan, which provide equitably for variations between projects on the basis of objective criteria related to the economic status of areas and, if the State so elects, such other factor or factors as may be appropriate and be permitted by regulations, except that such standards may not provide for a Federal share of more than $66\frac{2}{3}$ per centum, or less than $33\frac{1}{3}$ per centum, or

"(B) the amount (not less than $33\frac{1}{3}$ per centum and not more than either $66\frac{2}{3}$ per centum or the State's allotment percentage, whichever is lower) established by the State agency for all projects in the State;

"(2) With respect to projects for which grants are made from allotments made from appropriations under paragraph (a) of section 601, the Federal share shall be whichever of the following the State elects:

"(A) the share determined by the State agency in accordance with the standards, included in the State plan, and meeting the requirements set forth in subparagraph (A) of paragraph (1),

"(B) the amount (not less than $33\frac{1}{3}$ per centum and not more than either $66\frac{2}{3}$ per centum or the State's allotment percentage, whichever is lower) established by the State agency for all projects in the State, or

"(C) 50 per centum of the cost of construction of the project.

The State agency shall, prior to the approval by it, under the State plan approved under part A, of the first project in the State during any fiscal year, give written notification to the Surgeon General of the Federal share which it has elected pursuant to paragraph (1), and the Federal share which it has elected pursuant to paragraph (2), of this subsection for projects in such State to be approved by the Surgeon General during such fiscal year, and such Federal share or shares for projects in such State approved by the Surgeon General during such fiscal year shall not be changed after approval of such first project by the State.

"(c) The term 'hospital' includes general, tuberculosis, and other types of hospitals, and related facilities, such as laboratories, outpatient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals, but does not include any hospital furnishing primarily domiciliary care.

"(d) The term 'public health center' means a publicly owned facility for the provision of public health services, including related publicly owned facilities such as laboratories, clinics, and administrative offices operated in connection with such a facility.

“(e) The term ‘nonprofit’ as applied to any facility means a facility which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

“(f) The term ‘diagnostic or treatment center’ means a facility for the diagnosis or diagnosis and treatment of ambulatory patients—

“(1) which is operated in connection with a hospital, or

“(2) in which patient care is under the professional supervision of persons licensed to practice medicine or surgery in the State, or, in the case of dental diagnosis or treatment, under the professional supervision of persons licensed to practice dentistry in the State.

“(g) The term ‘rehabilitation facility’ means a facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of—

“(1) medical evaluation and services, and

“(2) psychological, social, or vocational evaluation and services,

under competent professional supervision, and in the case of which—

“(3) the major portion of the required evaluation and services is furnished within the facility; and

“(4) either (A) the facility is operated in connection with a hospital, or (B) all medical and related health services are prescribed by, or are under the general direction of, persons licensed to practice medicine or surgery in the State.

“(h) The term ‘facility for long-term care’ means a facility providing in-patient care for convalescent or chronic disease patients who require skilled nursing care and related medical services—

“(1) which is a hospital (other than a hospital primarily for the care and treatment of mentally ill or tuberculous patients) or is operated in connection with a hospital, or

“(2) in which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the State.

“(i) The term ‘construction’ includes construction of new buildings, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings (including medical transportation facilities); including architects’ fees, but excluding the cost of off-site improvements and, except with respect to public health centers, the cost of the acquisition of land.

“(j) The term ‘cost’ as applied to construction or modernization means the amount found by the Surgeon General to be necessary for construction and modernization respectively, under a project, except that such term, as applied to a project for modernization of a facility for which a grant or loan is to be made from an allotment under section 602(a) (2), does not include any amount found by the Surgeon General to be attributable to expansion of the bed capacity of such facility.

“(k) The term ‘modernization’ includes alteration, major repair (to the extent permitted by regulations), remodeling, replacement, and renovation of existing buildings (including initial equipment thereof), and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings.

“(1) The term ‘title’, when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Surgeon General finds sufficient to assure for a period of not less than fifty years’ undisturbed use and possession for the purposes of construction and operation of the project.”

(b) The amendment made by subsection (a) shall become effective, *Effective date.* upon the date of enactment of this Act, except that—

(1) all applications approved by the Surgeon General under title VI of the Public Health Service Act prior to such date, and allotments of sums appropriated prior to such date, shall be governed by the provisions of such title VI in effect prior to such date;

(2) allotment percentages promulgated by the Surgeon General under such title VI during 1962 shall continue to be effective for purposes of such title as amended by this Act for the fiscal year ending June 30, 1965;

(3) the terms of members of the Federal Hospital Council who are serving on such Council prior to such date shall expire on the date they would have expired had this Act not been enacted;

(4) the provisions of the fourth sentence of section 636(a) of the Public Health Service Act, as in effect prior to the enactment of this Act, shall apply in lieu of the fourth sentence of section 624(a) of the Public Health Service Act, as amended by this Act, in the case of any project for construction of a facility or for acquisition of equipment with respect to which a grant for any part thereof or for planning such construction or equipment was made prior to the enactment of this Act;

(5) no application with respect to a project for modernization of any facility in any State may be approved by the Surgeon General, for purposes of receiving funds from an allotment under section 602(a) (2) of the Public Health Service Act, as amended by this Act, before July 1, 1965, or before such State has had a State plan approved by the Surgeon General as meeting the requirements of section 604(a) (4) (E) as well as the other requirements of section 604 of such Act as so amended.

Approved August 18, 1964.

Public Law 88-444

AN ACT

August 19, 1964
[H. R. 11611]

To establish a National Commission on Technology, Automation, and Economic Progress.

National Commission on Technology, Automation, and Economic Progress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress finds it imperative to accelerate the national effort to—

(a) identify and assess the past effects and the current and prospective role and pace of technological change;

(b) identify and describe the impact of technological and economic change on production and employment, including new job requirements and the major types of worker displacement, both technological and economic, which are likely to occur during the next ten years; the specific industries, occupations, and geographic areas which are most likely to be involved; and the social and economic effects of these developments on the Nation's economy, manpower, communities, families, social structure, and human values;

(c) define those areas of unmet community and human needs toward which application of new technologies might most effectively be directed, encompassing an examination of technological developments that have occurred in recent years, including those resulting from the Federal Government's research and development programs;

(d) assess the most effective means for channeling new technologies into promising directions, including civilian industries

where accelerated technological advancements will yield general benefits, and assess the proper relationship between governmental and private investment in the application of new technologies to large-scale human and community needs;

(e) recommend, in addition to those actions which are the responsibility of management and labor, specific administrative and legislative steps which it believes should be taken by the Federal, State, and local governments in meeting their responsibilities (1) to support and promote technological change in the interest of continued economic growth and improved well-being of our people, (2) to continue and adopt measures which will facilitate occupational adjustment and geographical mobility, and (3) to share the costs and help prevent and alleviate the adverse impact of change on displaced workers.

SEC. 2. In order to carry out the objectives of this Act there is hereby established the National Commission on Technology, Automation, and Economic Progress, hereinafter referred to as the "Commission".

SEC. 3. The Commission shall be composed of fourteen members appointed by the President, by and with the advice and consent of the Senate, from among persons outside the Government with a competency in the areas to be dealt with by the Commission. The Commission shall be broadly representative and shall include not less than four members drawn equally from labor and management. One of the members shall be designated by the President as Chairman of the Commission. Eight members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its power, but shall be filled in the same manner in which the original appointment was made.

SEC. 4. The Commission shall make a comprehensive and impartial study and make recommendations from time to time as needed for constructive action in the areas designated in section 1 of this Act.

SEC. 5. Members of the Commission appointed from outside Government shall each receive \$100 per diem when engaged in the actual performance of duties of the Commission.

SEC. 6. There is hereby established a Federal Interagency Committee consisting of the heads of the Departments of Agriculture, Labor, Commerce, Defense, Health, Education, and Welfare, and the National Aeronautics and Space Administration, and the Chairman of the Council of Economic Advisers, and the Director of the Office of Science and Technology, the Chairman of the Atomic Energy Commission, and the Director of the United States Arms Control and Disarmament Agency, or their designees, to advise the Commission and to maintain effective liaison with the resources of such departments and agencies. The Secretaries of Labor and of Commerce shall serve as Cochairmen of the Committee.

SEC. 7. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provision of the civil service laws and the Classification Act of 1949, as amended. In addition, the Commission may procure temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810), but at rates not to exceed \$75 per diem for individuals.

(b) The President is authorized to appoint by and with the advice and consent of the Senate and, without regard to the provisions of the Classification Act of 1949, as amended, to fix the compensation of,

Establishment.

Membership.

Duties.

Pay.

Federal Interagency Committee.

Personnel.

63 Stat. 954.
5 USC 1071
note.
Ante, p. 400.
5 USC 55a.

an executive secretary to oversee the work of the staff under the general direction of the Commission.

Travel expenses, etc.

SEC. 8. All members and other personnel of the Commission shall be reimbursed for travel, subsistence, and necessary expenses in accordance with law.

Administrative services.

SEC. 9. The Department of Labor shall provide the Commission necessary administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Commission and the Secretary of Labor.

Hearings.

SEC. 10. The Commission, or on the authorization of the Commission, any subcommittee or panel thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places as the Commission or such subcommittee or panel may deem advisable.

Contracts.

SEC. 11. The Commission is authorized to negotiate and enter into contracts with private organizations to carry out such studies and to prepare such reports as the Commission determines to be necessary in order to carry out its duties.

Information from other agencies.

SEC. 12. The Commission is authorized to secure directly from any executive department, agency, or independent instrumentality of the Government any information it deems necessary to carry out its functions under this Act; and each such department, agency, and instrumentality is authorized and directed to cooperate with the Commission and, to the extent permitted by law, to furnish such information to the Commission, upon request made by the Chairman.

Report to President and Congress.

SEC. 13. The Commission shall submit a final report of its findings and recommendations to the President and the Congress by January 1, 1966. The Commission shall cease to exist thirty days after submitting its final report.

Appropriation.

SEC. 14. There are hereby authorized to be appropriated to the Commission, out of any money in the Treasury not otherwise appropriated, such sums not in excess of \$1,000,000, as may be necessary to carry out the provisions of this Act.

Approved August 19, 1964.

Public Law 88-445

AN ACT

August 19, 1964
[H. R. 8925]

To amend title 38 of the United States Code in order to provide that a disability which has been rated at or above a certain percentage for twenty or more years may not thereafter be reduced below such percentage.

Veterans; disability ratings.
72 Stat. 1113;
76 Stat. 950.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 110 of title 38, United States Code, is amended by inserting immediately after the first sentence thereof the following new sentence: "A disability which has been continuously rated at or above any percentage for twenty or more years for compensation purposes under laws administered by the Veterans' Administration shall not thereafter be rated at less than such percentage, except upon a showing that such rating was based on fraud."

(b) The side heading of such section 110 is amended by striking out "total".

(c) The table of sections of chapter 1 of title 38, United States Code, is amended by striking out "Preservation of total" and inserting in lieu thereof "Preservation of".

Approved August 19, 1964.

Public Law 88-446

AN ACT

Making appropriations for the Department of Defense for the fiscal year ending June 30, 1965, and for other purposes.

August 19, 1964
[H. R. 10939]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1965, for military functions administered by the Department of Defense, and for other purposes, namely:

Department of
Defense Appropri-
ation Act, 1965.

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except those undergoing reserve training); \$4,221,000,000, and, in addition \$85,000,000 which shall be derived by transfer from the Army stock fund and the Defense stock fund.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except those undergoing reserve training), midshipmen and aviation cadets; \$3,045,000,000, and, in addition \$60,000,000 which shall be derived by transfer from the Navy stock fund and the Defense stock fund.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except those undergoing reserve training); \$741,000,000, and, in addition \$6,000,000 which shall be derived by transfer from the Marine Corps stock fund and the Defense stock fund.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except those undergoing reserve training), cadets and aviation cadets; \$4,383,000,000, and, in addition \$81,000,000 which shall be derived by transfer from the Air Force stock fund and the Defense stock fund.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, as authorized by law; \$242,900,000: *Provided*, That the Army Reserve will be programed to attain an end strength of three hundred thousand for fiscal year 1965.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Naval Reserve on active duty while undergoing reserve training, or while performing drills or equivalent duty, regular and contract enrollees in the Naval Reserve Officers' Training Corps, and retainer pay, as authorized by law; \$99,200,000, and, in addition \$3,400,000 which shall be derived by transfer from the Defense stock fund.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve and the Marine Corps platoon leaders class on active duty while undergoing reserve training, or while performing drills or equivalent duty, as authorized by law; \$30,900,000, and, in addition \$1,200,000 which shall be derived by transfer from the Defense stock fund.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty while undergoing reserve training or while performing drills or equivalent duty, and for members of the Air Reserve Officers' Training Corps, as authorized by law; \$59,200,000, and, in addition \$3,400,000 which shall be derived by transfer from the Defense stock fund.

NATIONAL GUARD PERSONNEL, ARMY

70A Stat. 11.

70A Stat. 599.

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265 of title 10, United States Code, or while undergoing training or while performing drills or equivalent duty, as authorized by law; \$277,500,000: *Provided*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code: *Provided further*, That the Army National Guard will be programed to attain an end strength of four hundred thousand in fiscal year 1965.

NATIONAL GUARD PERSONNEL, AIR FORCE

70A Stat. 11,
491, 524.

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 265, 8033, and 8496 of title 10, United States Code, or while undergoing training or while performing drills or equivalent duty, as authorized by law; \$69,300,000: *Provided*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code.

RETIRED PAY, DEFENSE

For retired pay and retirement pay, as authorized by law, of military personnel on the retired lists of the Army, Navy, Marine Corps, and the Air Force, including the reserve components thereof, retainer pay for personnel of the inactive Fleet Reserve, and payments under chapter 73 of title 10, United States Code; \$1,399,000,000.

70A Stat. 108.
10 USC 1431-
1446.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, including administration; medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel on duty or leave, except elective private treatment), and other measures necessary to protect the health of the Army; care of the dead; chaplains' activities; awards and medals; welfare and recreation; recruiting expenses; transportation services; communications services; maps and similar data for military purposes; military surveys and engineering planning; repair of facilities; hire of passenger motor vehicles; tuition and fees incident to training of military personnel at civilian institutions; field exercises and maneuvers; expenses for the Reserve Officers' Training Corps and other units at educational institutions, as authorized by law; and not to exceed \$4,156,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; \$3,439,000,000, of which not less than \$236,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, including aircraft and vessels; modification of aircraft, missiles, missile systems, and other ordnance; design and alteration of vessels; training and education of members of the Navy; administration; procurement of military personnel; hire of passenger motor vehicles; welfare and recreation; medals, awards, emblems, and other insignia; transportation of things (including transportation of household effects of civilian employees); industrial mobilization; medical and dental care; care of the dead; charter and hire of vessels; relief of vessels in distress; maritime salvage services; military communications facilities on merchant vessels; dissemination of scientific information; administration of patents, trademarks, and copyrights; annuity premiums and retirement benefits for civilian members of teaching services; tuition, allowances, and fees incident to training of military personnel at civilian institutions; repair of facilities; departmental salaries; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for the enlisted men; procurement of services, special clothing, supplies, and equipment; installation of equipment in public or private plants; exploration, prospecting, conservation, development, use, and operation of the naval petroleum and oil shale reserves, as authorized by law; and

70A Stat. 442.

not to exceed \$8,698,000 for emergency and extraordinary expenses, as authorized by section 7202 of title 10, United States Code, to be expended on the approval and authority of the Secretary and his determination shall be final and conclusive upon the accounting officers of the Government; \$3,144,350,000, of which not less than \$133,700,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, necessary for the operation and maintenance of the Marine Corps including equipment and facilities; procurement of military personnel; training and education of regular and reserve personnel, including tuition and other costs incurred at civilian schools; welfare and recreation; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for the enlisted men; procurement and manufacture of military supplies, equipment, and clothing; hire of passenger motor vehicles; transportation of things; medals, awards, emblems, and other insignia; operation of station hospitals, dispensaries and dental clinics; and departmental salaries; \$188,000,000, of which not less than \$19,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation, maintenance, and administration of the Air Force, including the Air Force Reserve and the Air Reserve Officers' Training Corps; operation, maintenance, and modification of aircraft and missiles; transportation of things; repair and maintenance of facilities; field printing plants; hire of passenger motor vehicles; recruiting advertising expenses; training and instruction of military personnel of the Air Force, including tuition and related expenses; pay, allowances, and travel expenses of contract surgeons; repair of private property and other necessary expenses of combat maneuvers; care of the dead; chaplain and other welfare and morale supplies and equipment; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for enlisted men and patients not otherwise provided for; awards and decorations; industrial mobilization, including maintenance of reserve plants and equipment and procurement planning; special services by contract or otherwise; and not to exceed \$3,528,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; \$4,567,500,000, of which not less than \$230,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense), including administration; hire of passenger motor vehicles; welfare and recreation; awards and decorations; travel expenses, including expenses of temporary duty travel of military personnel; transportation of things (including transportation of household effects of civilian employees); industrial mobilization; care of the dead; dis-

semination of scientific information; administration of patents, trademarks, and copyrights; tuition and fees incident to the training of military personnel at civilian institutions; repair of facilities; departmental salaries; procurement of services, special clothing, supplies, and equipment; field printing plants; information and educational services for the Armed Forces; communications services; and not to exceed \$1,573,000 for emergency and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense for such purposes as he deems appropriate, and his determination thereon shall be final and conclusive upon the accounting officers of the Government; \$511,620,000, of which not less than \$11,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personal services in the National Guard Bureau and services of personnel of the National Guard employed as civilians without regard to their military rank, and the number of caretakers authorized to be employed under provisions of law (32 U.S.C. 709), and those necessary to provide reimbursable services for the military departments, may be such as is deemed necessary by the Secretary of the Army; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard of the several States, Commonwealth of Puerto Rico, and the District of Columbia, as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); \$188,000,000, of which not less than \$1,900,000 shall be available only for the maintenance of real property facilities: *Provided*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code.

70A Stat. 614;
75 Stat. 496.

70A Stat. 599.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard of the several States, Commonwealth of Puerto Rico, and the District of Columbia; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, of Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; \$236,000,000, of which not less than \$1,700,000 shall be available only for the maintenance of real property facilities: *Provided*, That the number of caretakers authorized to be employed under the provisions of law (32 U.S.C. 709) may be such as is deemed necessary by

70A Stat. 599.

the Secretary of the Air Force and such caretakers may be employed without regard to their military rank as members of the Air National Guard: *Provided further*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses of construction, equipment, and maintenance of rifle ranges, the instruction of citizens in marksmanship, and promotion of rifle practice, in accordance with law, including travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions, and not to exceed \$21,000 for incidental expenses of the National Board; \$484,000: *Provided*, That travel expenses of civilian members of the National Board shall be paid in accordance with the Standardized Government Travel Regulations, as amended.

CLAIMS, DEFENSE

For payment of claims (except as provided in appropriations for civil functions administered by the Department of the Army) as authorized by law; claims for damages arising under training contracts with carriers; and repayment of amounts determined by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or officers designated by them, to have been erroneously collected from military and civilian personnel of the Departments of the Army, Navy, and Air Force or from States, territories, or the District of Columbia, or members of National Guard units thereof; \$23,000,000; and, in addition, not to exceed \$6,000,000 to be immediately available, and to remain available during fiscal year 1965, to be derived by transfer from such appropriations available to the Department of Defense during the fiscal year 1964 as may be determined by the Secretary of Defense.

CONTINGENCIES, DEFENSE

For emergencies and extraordinary expenses arising in the Department of Defense, to be expended on the approval or authority of the Secretary of Defense and such expenses may be accounted for solely on his certificate that the expenditures were necessary for confidential military purposes; \$15,000,000: *Provided*, That a report of disbursements under this item of appropriation shall be made quarterly to the Appropriations Committees of the Congress.

Report to congressional committees.

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the Court of Military Appeals; \$530,000.

TITLE III

PROCUREMENT

PROCUREMENT OF EQUIPMENT AND MISSILES, ARMY

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, equipment, vehicles, vessels, and aircraft for the Army and the Reserve Officers' Training Corps; purchase of not to exceed three thousand five hundred and seventy-four passenger motor vehicles for replacement only; expenses

which in the discretion of the Secretary of the Army are necessary in providing facilities for production of equipment and supplies for national defense purposes, including construction, and the furnishing of Government-owned facilities and equipment at privately owned plants; and ammunition for military salutes at institutions to which issue of weapons for salutes is authorized; \$1,656,396,000, to remain available until expended.

PROCUREMENT OF AIRCRAFT AND MISSILES, NAVY

For construction, procurement, production, modification, and modernization of aircraft, missiles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands, and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public or private plants; \$2,496,358,000, to remain available until expended.

40 USC 255.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament therefor, plant equipment, appliances, and machine tools, and installation thereof in public or private plants; procurement of critical long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; \$1,930,076,000, to remain available until expended: *Provided*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel.

Restriction.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment, and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion), purchase of not to exceed one thousand five hundred and three passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands, and interests therein may be acquired, and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public or private plants; \$1,041,440,000, to remain available until expended.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, and vehicles for the Marine Corps, including purchase of not to exceed two hundred and six passenger motor vehicles for replacement only; \$162,944,000, to remain available until expended.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft, and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; reserve plant and equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things; \$3,563,737,000, to remain available until expended.

70A Stat. 590.

40 USC 255.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; reserve plant and equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things; \$1,730,000,000, to remain available until expended.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed two thousand two hundred and ten passenger motor vehicles, for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; \$779,096,000, to remain available until expended.

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense) necessary for procurement, production, and modification of equipment, supplies, materials and spare parts therefor not otherwise provided for; purchase of forty-two passenger motor vehicles for replacement only; expansion of public and private plants, equipment and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such land and interest therein may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as

required by section 355, Revised Statutes, as amended; \$62,000,000, to remain available until expended. 40 USC 255.

TITLE IV

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$1,340,045,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$1,372,760,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$3,112,000,000, to remain available until expended: *Provided*, That of the funds appropriated in this paragraph, \$52,000,000 shall be available only for development of advanced manned strategic aircraft.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law, to remain available until expended; \$498,715,000: *Provided*, That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs, to be merged with and to be available for the same time period as the appropriation to which transferred.

Transfers of funds.

EMERGENCY FUND, DEFENSE

For transfer by the Secretary of Defense, with the approval of the Bureau of the Budget, to any appropriation for military functions under the Department of Defense available for research, development, test, and evaluation, or procurement or production related thereto, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred;

\$125,000,000, and, in addition, not to exceed \$150,000,000, to be used upon determination by the Secretary of Defense that such funds can be wisely, profitably, and practically used in the interest of national defense and to be derived by transfer from such appropriations available to the Department of Defense for obligation during the current fiscal year as the Secretary of Defense may designate: *Provided*, That any appropriations transferred shall not exceed 7 per centum of the appropriation from which transferred.

TITLE V

GENERAL PROVISIONS

Experts or consultants.

60 Stat. 810.

Employment of noncitizens.

Availability of appropriations.

Restriction.

Ante, p. 400.
Prisoners of war, etc.

SEC. 501. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

SEC. 502. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense.

SEC. 503. Appropriations contained in this Act shall be available for insurance of official motor vehicles in foreign countries, when required by laws of such countries; payments in advance of expenses determined by the investigating officer to be necessary and in accord with local custom for conducting investigations in foreign countries incident to matters relating to the activities of the department concerned; reimbursement of General Services Administration for security guard services for protection of confidential files; reimbursement of the Federal Bureau of Investigation for expenses in connection with investigation of defense contractor personnel; and all necessary expenses, at the seat of government of the United States of America or elsewhere, in connection with communication and other services and supplies as may be necessary to carry out the purposes of this Act: *Provided*, That no appropriation contained in this Act, and no funds available from prior appropriations to component departments and agencies of the Department of Defense, shall be used to pay tuition or to make other payments to educational institutions in connection with the instruction or training of file clerks, stenographers, and typists receiving, or prospective file clerks, stenographers, and typists who will receive compensation at a rate below the minimum rate of pay for positions allocated to grade GS-5 under the Classification Act of 1949, as amended.

SEC. 504. Any appropriation available to the Army, Navy, or the Air Force may, under such regulations as the Secretary concerned may prescribe, be used for expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in Army, Navy, or Air Force custody whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation.

SEC. 505. Appropriations available to the Department of Defense for the current fiscal year for maintenance or construction shall be available for acquisition of land as authorized by section 2672 of title 10, United States Code.

Land acquisition.
72 Stat. 1459;
76 Stat. 511.

SEC. 506. Appropriations for the Department of Defense for the current fiscal year shall be available, (a) except as authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for primary and secondary schooling for minor dependents of military and civilian personnel of the Department of Defense residing on military or naval installations or stationed in foreign countries, as authorized for the Navy by section 7204 of title 10, United States Code, in amounts not exceeding an average of \$285 per student, when the Secretary of the Department concerned finds that schools, if any, available in the locality, are unable to provide adequately for the education of such dependents; (b) for expenses in connection with administration of occupied areas; (c) for payment of rewards as authorized for the Navy by section 7209(a) of title 10, United States Code, for information leading to the discovery of missing naval property or the recovery thereof; (d) for payment of deficiency judgments and interests thereon arising out of condemnation proceedings; (e) for leasing of buildings and facilities including payment of rentals for special purpose space at the seat of government and, in the conduct of field exercises and maneuvers or, in administering the provisions of 43 U.S.C. 315q, rentals may be paid in advance; (f) payments under contracts for maintenance of tools and facilities for twelve months beginning at any time during the fiscal year.

64 Stat. 1100.

70A Stat. 442.

Occupied areas.

Rewards.

70A Stat. 444.

Deficiency judgments.

Special purpose space.

56 Stat. 654.

SEC. 507. Appropriations for the Department of Defense for the current fiscal year shall be available for: (a) donations of not to exceed \$25 to each prisoner upon each release from confinement in military or contract prison and to each person discharged for fraudulent enlistment; (b) authorized issues of articles to prisoners, applicants for enlistment and persons in military custody; (c) subsistence of selective service registrants called for induction, applicants for enlistment, prisoners, civilian employees as authorized by law, and supernumeraries when necessitated by emergent military circumstances; (d) reimbursement for subsistence of enlisted personnel while sick in hospitals; (e) expenses of prisoners confined in nonmilitary facilities; (f) military courts, boards, and commissions; (g) utility services for buildings erected at private cost, as authorized by law, and buildings on military reservations authorized by regulations to be used for welfare and recreational purposes; (h) exchange fees, and losses in the accounts of disbursing officers or agents in accordance with law; (i) expenses of Latin-American cooperation as authorized for the Navy by law (10 U.S.C. 7208); and (j) expenses of apprehension and delivery of deserters, prisoners, and members absent without leave, including payment of rewards of not to exceed \$25 in any one case: *Provided*, That section 212 of the Act of June 30, 1932 (5 U.S.C. 59a), shall not apply to retired military personnel on duty at the United States Soldiers' Home.

Articles for prisoners, etc.

70A Stat. 443.

Post, p. 494.

SEC. 508. Insofar as practicable, the Secretary of Defense shall assist American small business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by making available or causing to be made available to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by making available or causing to be made available to purchasing and contracting agencies of the Department of Defense information as to commodities and services produced and furnished by small in-

Assistance to small business.

dependent enterprises in the United States, and by otherwise helping to give small business an opportunity to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

Mess operations.

SEC. 509. No appropriation contained in this Act shall be available for expenses of operation of messes (other than organized messes the operating expenses of which are financed principally from nonappropriated funds) at which meals are sold to officers or civilians except under regulations approved by the Secretary of Defense, which shall (except under unusual or extraordinary circumstances) establish rates for such meals sufficient to provide reimbursement of operating expenses and food costs to the appropriations concerned: *Provided*, That officers and civilians in a travel status receiving a per diem allowance in lieu of subsistence shall be charged at the rate of not less than \$2.50 per day: *Provided further*, That for the purposes of this section payments for meals at the rates established hereunder may be made in cash or by deductions from the pay of civilian employees: *Provided further*, That members of organized nonprofit youth groups sponsored at either the national or local level, when extended the privilege of visiting a military installation and permitted to eat in the general mess by the commanding officer of the installation, shall pay the commuted ration cost of such meal or meals.

SEC. 510. No part of any appropriation contained in this Act shall be available until expended unless expressly so provided elsewhere in this or some other appropriation Act.

SEC. 511. Appropriations of the Department of Defense available for operation and maintenance, may be reimbursed during the current fiscal year for all expenses involved in the preparation for disposal and for the disposal of military supplies, equipment, and materiel, and for all expenses of production of lumber or timber products pursuant to section 2665 of title 10, United States Code, from amounts received as proceeds from the sale of any such property: *Provided*, That a report of receipts and disbursements under this limitation shall be made quarterly to the Committees on Appropriations of the Congress: *Provided further*, That no funds available to agencies of the Department of Defense shall be used for the operation, acquisition, or construction of new facilities or equipment for new facilities in the continental limits of the United States for metal scrap baling or shearing or for melting or sweating aluminum scrap unless the Secretary of Defense or an Assistant Secretary of Defense designated by him determines, with respect to each facility involved, that the operation of such facility is in the national interest.

70A Stat. 149.

Report to congressional committees.

SEC. 512. (a) During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interests of national defense.

31 USC 665.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an excepted expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

SEC. 513. No appropriation contained in this Act shall be available in connection with the operation of commissary stores of the agencies of the Department of Defense for the cost of purchase (including commercial transportation in the United States to the place of sale but excluding all transportation outside the United States) and maintenance of operating equipment and supplies, and for the actual or estimated cost of utilities as may be furnished by the Government and of shrinkage, spoilage, and pilferage of merchandise under the control of such commissary stores, except as authorized under regulations promulgated by the Secretaries of the military departments concerned, with the approval of the Secretary of Defense, which regulations shall provide for reimbursement therefor to the appropriations concerned and, notwithstanding any other provision of law, shall provide for the adjustment of the sales prices in such commissary stores to the extent necessary to furnish sufficient gross revenue from sales of commissary stores to make such reimbursement: *Provided*, That under such regulations as may be issued pursuant to this section all utilities may be furnished without cost to the commissary stores outside the continental United States and in Alaska: *Provided further*, That no appropriation contained in this Act shall be available in connection with the operation of commissary stores within the continental United States unless the Secretary of Defense has certified that items normally procured from commissary stores are not otherwise available at a reasonable distance and a reasonable price in satisfactory quality and quantity to the military and civilian employees of the Department of Defense.

Commissary stores.

SEC. 514. Notwithstanding any other provision of law, Executive order, or regulation, no part of the appropriations in this Act shall be available for any expenses of operating aircraft under the jurisdiction of the Armed Forces for the purpose of proficiency flying except in accordance with the regulations issued by the Secretaries of the Departments concerned and approved by the Secretary of Defense which shall establish proficiency standards and maximum and minimum flying hours for this purpose: *Provided*, That without regard to any provision of law or Executive order prescribing minimum flight requirements, such regulations may provide for the payment of flight pay at the rates prescribed in section 301 of title 37, United States Code, to certain members of the Armed Forces otherwise entitled to receive flight pay during the current fiscal year (1) who have held aeronautical ratings or designations for not less than fifteen years, or (2) whose particular assignment outside the United States or in Alaska makes it impractical to participate in regular aerial flights.

Proficiency flying.

76 Stat. 461;
77 Stat. 215, 216.

SEC. 515. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in excess of eleven thousand pounds net in any one shipment.

Household goods.

SEC. 516. Vessels under the jurisdiction of the Department of Commerce, the Department of the Army, the Department of the Air Force, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

Vessel transfer.

SEC. 517. None of the funds provided in this Act shall be available for training in any legal profession nor for the payment of tuition for training in such profession: *Provided*, That this limitation shall not apply to the off-duty training of military personnel as prescribed by section 521 of this Act.

Legal training, restriction.

Obligated funds,
1965.

SEC. 518. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of civilian components or summer camp training of the Reserve Officers' Training Corps.

Use of foreign
real property.

SEC. 519. During the current fiscal year the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

Report to con-
gressional com-
mittees and
Budget Bureau.

In addition to the foregoing, agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriations therefor: *Provided*, That within thirty days after the end of each quarter the Secretary of Defense shall render to the Committees on Appropriations of the Senate and the House of Representatives and to the Bureau of the Budget a full report of such property, supplies, and commodities received during such quarter.

Research and
development.

70A Stat. 134.

SEC. 520. During the current fiscal year, appropriations available to the Department of Defense for research and development may be used for the purposes of section 2353 of title 10, United States Code, and for purposes related to research and development for which expenditures are specifically authorized in other appropriations of the service concerned.

Tuition pay-
ments, etc.
Restrictions.

SEC. 521. No appropriation contained in this Act shall be available for the payment of more than 75 per centum of charges of educational institutions for tuition or expenses for off-duty training of military personnel, nor for the payment of any part of tuition or expenses for such training for commissioned personnel who do not agree to remain on active duty for two years after completion of such training.

ROTC, loyalty
requirement.

SEC. 522. No part of the funds appropriated herein shall be expended for the support of any formally enrolled student in basic courses of the senior division, Reserve Officers' Training Corps, who has not executed a certificate of loyalty or loyalty oath in such form as shall be prescribed by the Secretary of Defense.

Procurement of
products, restric-
tion.

SEC. 523. No part of any appropriation contained in this Act shall be available for the procurement of any article of food, clothing, cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles) not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that a satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, or wool grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided*, That nothing herein shall preclude the procurement of foods manufactured

or processed in the United States or its possessions: *Provided further*, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations: *Provided further*, That none of the funds appropriated in this Act shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

SEC. 524. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or dry-cleaning facility in the United States, its Territories or possessions, as to which the Secretary of Defense does not certify in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

Bakery, laundry facilities.

SEC. 525. During the current fiscal year, appropriations of the Department of Defense shall be available for reimbursement to the Post Office Department for payment of costs of commercial air transportation of military mail between the United States and foreign countries.

Air mail; reimbursement.

SEC. 526. Appropriations contained in this Act shall be available for the purchase of household furnishings and automobiles from military and civilian personnel on duty outside the continental United States, for the purpose of resale at cost to incoming personnel, and for providing furnishings, without charge, in other than public quarters occupied by military or civilian personnel of the Department of Defense on duty outside the continental United States or in Alaska, upon a determination, under regulations approved by the Secretary of Defense, that such action is advantageous to the Government.

Furnishings, resale.

SEC. 527. During the current fiscal year appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131).

Uniforms.

SEC. 528. During the current fiscal year, the Secretary of Defense shall, upon requisition of the National Board for the Promotion of Rifle Practice, and without reimbursement, transfer from agencies of the Department of Defense to the Board ammunition from stock or which has been procured for the purpose in such amounts as he may determine.

68 Stat. 1114.
Ammunition, transfer.

Such appropriations of the Department of Defense available for obligation during the current fiscal year as may be designated by the Secretary of Defense shall be available for the travel expenses of military and naval personnel, including the reserve components, and members of the Reserve Officers' Training Corps attending regional, national, or international rifle matches.

SEC. 529. Funds provided in this Act for congressional liaison activities of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense shall not exceed \$950,000: *Provided*, That this amount shall be available for apportionment to the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense as determined by the Secretary of Defense.

Congressional liaison activities.

SEC. 530. Of the funds made available by this Act for the services of the Military Air Transport Service, \$80,000,000 shall be available only for procurement of commercial transportation service from carriers participating in the civil reserve air fleet program; and the Secretary of Defense shall utilize the services of such carriers which qualify as small businesses to the fullest extent found practicable: *Provided*, That the Secretary of Defense shall specify in such procure-

Civil reserve air fleet.

ment, performance characteristics for aircraft to be used based upon modern aircraft operated by the civil air fleet.

Motor vehicle
hire.

SEC. 531. Not to exceed \$11,800,000 of the funds made available in this Act for the purpose shall be available for the hire of motor vehicles: *Provided*, That the Secretary of Defense, under circumstances where the immediate movement of persons is imperative, may, if he deems it to be in the national interest, hire motor vehicles for such purpose without regard to this limitation.

Travel ex-
penses.

SEC. 532. Not less than \$7,500,000 of the funds made available in this Act for travel expenses in connection with temporary duty and permanent change of station of civilian and military personnel of the Department of Defense shall be available only for the procurement of commercial passenger sea transportation service on American-flag vessels.

Civilian cloth-
ing.

SEC. 533. During the current fiscal year, appropriations available to the Department of Defense for operation may be used for civilian clothing, not to exceed \$40 in cost for enlisted personnel: (1) discharged for misconduct, unfitness, unsuitability, or otherwise than honorably; (2) sentenced by a civil court to confinement in a civil prison or interned or discharged as an alien enemy; (3) discharged prior to completion of recruit training under honorable conditions for dependency, hardship, minority, disability, or for the convenience of the Government.

Defense con-
tracts.
Advertising
costs, prohibi-
tion.

SEC. 534. No part of the funds appropriated herein shall be available for paying the costs of advertising by any defense contractor, except advertising for which payment is made from profits, and such advertising shall not be considered a part of any defense contract cost. The prohibition contained in this section shall not apply with respect to advertising conducted by any such contractor, in compliance with regulations which shall be promulgated by the Secretary of Defense, solely for (1) the recruitment by that contractor of personnel required for the performance by the contractor of obligations arising under a defense contract, (2) the procurement of scarce items required by the contractor for the performance of a defense contract, or (3) the disposal of scrap or surplus materials acquired by the contractor in the performance of a defense contract.

Facilities,
maintenance and
repair.

SEC. 535. Funds appropriated in this Act for maintenance and repair of facilities and installations shall not be available for acquisition of new facilities, or alteration, expansion, extension, or addition of existing facilities, as defined in Department of Defense Directive 7040.2, dated January 18, 1961, in excess of \$25,000: *Provided*, That the Secretary of Defense may amend or change the said directive during the current fiscal year, consistent with the purpose of this section.

Transfer of
funds, authority.

SEC. 536. During the current fiscal year, the Secretary of Defense may, if he deems it vital to the security of the United States and in the national interest to further improve the readiness of the Armed Forces, including the reserve components, transfer under the authority and terms of the Emergency Fund an additional \$200,000,000: *Provided*, That the transfer authority made available under the terms of the Emergency Fund appropriation contained in this Act is hereby broadened to meet the requirements of this section: *Provided further*, That the Secretary of Defense shall notify the Appropriations Committees of the Congress promptly of all transfers made pursuant to this authority.

Report to con-
gressional com-
mittees.

Contract pay-
ments in foreign
countries.

SEC. 537. None of the funds appropriated in this Act may be used to make payments under contracts for any program, project, or activity in a foreign country unless the Secretary of Defense or his designee, after consultation with the Secretary of the Treasury or his designee,

certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor.

SEC. 538. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount for indirect expenses in connection with such project in excess of 20 per centum of the direct costs.

Research projects, indirect expenses.

SEC. 539. Of the funds made available in this Act for repair, alteration, and conversion of naval vessels, at least 35 per centum shall be available for such repair, alteration, and conversion in privately owned shipyards: *Provided*, That if determined by the Secretary of Defense to be inconsistent with the public interest based on urgency of requirement to have such vessels repaired, altered, or converted as required above, such work may be done in Navy or private shipyards as he may direct.

Use of privately owned shipyards.

SEC. 540. None of the funds appropriated in this Act shall be used to conduct or assist in conducting any program (including but not limited to the payment of salaries, administrative expenses, and the conduct of research activities) related directly or indirectly to the establishment of a national service corps or similar domestic peace corps type of program.

Restriction.

SEC. 541. This Act may be cited as the "Department of Defense Appropriation Act, 1965."

Short title.

Approved August 19, 1964.

Public Law 88-447

AN ACT

To provide for the settlement of claims of certain inhabitants of the United States living in the area inundated by the sudden floods of the Rio Grande as a result of the construction of the Falcon Dam, and for other purposes.

August 19, 1964
[H. R. 8999]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Commissioner on the International Boundary and Water Commission United States and Mexico (hereafter in this Act referred to as the "Commissioner") shall have jurisdiction to receive, adjudicate, and provide for the payment of any claim, which claim is not compensated for by insurance or otherwise, (1) by any person or his heirs at law against the United States for damage to or loss of personal property sustained on or after August 27, 1953, and before September 1, 1954, by reason of the sudden floods of the Rio Grande resulting from the construction of the Falcon Dam pursuant to a treaty between the United States and the Republic of Mexico, (2) by any welfare agency or municipal corporation or other political subdivision of the State of Texas, for actual expenses incurred on account of assistance rendered in the emergency relocation of any person or his personal property by reason of those floods, or (3) by any person against the United States for actual expenses incurred by him in the process and as a direct result of moving himself, his family, and their possessions, where such moving was made necessary by reason of the construction of such dam. In the consideration of claims filed under clause (1) of this section, the Commissioner shall take into account the difficulty to

Falcon Dam, damage claims, Settlement.

59 Stat. 1219.

claimants of obtaining formal proof of all items of loss in claims presented to him, and shall not be bound by formal rules of evidence, but may rely on such presumptions and other methods of establishing losses as he may find to be equitable.

Prohibition of
certain claims.

SEC. 2. (a) The Commissioner shall receive claims for a period of twelve months from the date of enactment of this Act. All claims not presented within that time shall be forever barred.

(b) The Commissioner shall not consider any claim—

(1) for damage or loss on account of death or personal injury, personal inconvenience, physical hardship, or mental suffering; or

(2) for loss of anticipated profits or loss of anticipated earnings.

Investigation,
hearings, etc.

SEC. 3. (a) The Commissioner shall give reasonable notice to the interested parties and an opportunity for them to be heard and to present evidence before making a final determination upon any claim.

(b) For the purpose of any hearing or investigation authorized under this Act, the provisions of sections 9 and 10 (relating to examination of books, papers, and documents) of the Federal Trade Commission Act of September 26, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Commissioner. Subpenas may be served personally, by registered mail, by telegraph, or by leaving a copy thereof at the residence or principal place of business of the person required to be served. A verified return by the individual so serving the same, setting forth the manner of service, shall be proof of service. The United States marshals or their deputies shall serve such process in their respective districts.

38 Stat. 722.

(c) A written record shall be kept of all hearings and proceedings under this Act and shall be open to public inspection.

60 Stat. 809.

(d) The provisions of section 10 of the Administrative Expenses Act of 1946 (5 U.S.C. 95a) shall apply with respect to witnesses summoned to attend any hearing or investigation authorized under this Act.

Adjudication.

SEC. 4. (a) The Commissioner shall adjudicate all claims filed under this Act by award or order of dismissal, as the case may be, upon written findings of fact and reasons for the decision. A copy of each such adjudication shall be mailed to the claimant or his attorney.

(b) No payment of any award on a claim for moving expenses under section 1(3) of this Act to the owners and tenants or their heirs at law of any parcel of land shall exceed 25 per centum of its fair value, as determined by the court proceedings in eminent domain or the Commissioner in the event no court proceedings were had. In any event, except for awards on claims by welfare agencies, municipal corporations, or other political subdivisions of the State of Texas, no payment of any award shall exceed \$2,500 in amount. Subject to these limitations, the Commissioner may make payment of awards out of such funds as may be made available for this purpose by Congress.

Report to
Congress.

(c) On the first day of each regular session of Congress the Commissioner shall transmit to Congress a full and complete statement of all adjudications rendered under this Act during the previous year, stating the name and address of each claimant, the amount claimed, the amount awarded, the amount paid, and a brief synopsis of the facts in the case and the reasons for each adjudication.

(d) The payment of an award shall be final and conclusive for all purposes, notwithstanding any other provision of the law to the contrary, and shall be a full discharge of the United States and all of its officers, agents, servants, and employees with respect to all claims arising out of the same subject matter. An order of dismissal against a claimant, unless set aside by the Commissioner, shall thereafter bar any further claim against the United States or any officer, agent, servant, or employee thereof arising out of the same subject matter.

SEC. 5. The Commissioner shall complete the adjudication of claims and payment of awards pursuant to this Act not later than one year following the enactment of legislation making appropriations for the payment of awards and administrative expenses necessary for the settlement of claims.

Time limitation.

SEC. 6. The Commissioner, in rendering an award in favor of any claimant, may as a part of the award determine and allow reasonable attorneys' fees, which shall not exceed 10 per centum of the amount allowed, to be paid out of, but not in addition to, the amount of such award.

Attorneys' fees.

Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that limited by the terms of this section, if recovery be had, shall be guilty of a misdemeanor, and shall upon conviction thereof be subject to a fine of not more than \$2,000, or imprisonment for not more than one year, or both.

SEC. 7. For the purposes of this Act the Commissioner may—

Administrative authority.

(1) employ and fix the compensation of such personnel as he deems advisable and necessary for the purpose of carrying out the provisions of this Act, without regard to the provisions of the civil service laws and Classification Act of 1949, as amended;

Ante, p. 400.

(2) call upon any other Federal department or agency for any information or records necessary, and may utilize the services of experts from such Federal department or agency, on a reimbursable basis;

(3) secure the cooperation of State and local agencies, governmental or otherwise, and reimburse such agencies for services rendered;

(4) utilize such voluntary and uncompensated services as may from time to time be needed and available;

(5) assist needy claimants in the preparation and filing of claims;

(6) make such investigations as may be necessary;

(7) make expenditures for witness fees and mileage and for other administrative expenses;

(8) prescribe such rules and regulations, perform such acts not inconsistent with law, and delegate such authority as he may deem proper in carrying out the provisions of this Act.

SEC. 8. There is authorized to be appropriated to the Department of State for use of the United States Section, International Boundary and Water Commission, United States and Mexico, such sums as may be necessary to carry out the provisions of this Act. Pending the appropriation of such funds, not to exceed \$20,000 of funds appropriated for the construction of Falcon Dam shall be available for the payment of administrative costs of the claims program provided for in this Act.

Appropriation.

Approved August 19, 1964.

Public Law 88-448

August 19, 1964
[H. R. 7381]

AN ACT

To simplify, modernize, and consolidate the laws relating to the employment of civilians in more than one position and the laws concerning the civilian employment of retired members of the uniformed services, and for other purposes.

Dual Compensation Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Dual Compensation Act".

TITLE I—DEFINITIONS

SEC. 101. For the purposes of this Act and the amendments made by this Act—

(1) "uniformed services", "armed forces", "Secretary concerned", "officer", "warrant officer", "grade", "active duty", "active service", and "member" have the definitions given them by section 101 of title 37, United States Code;

76 Stat. 451.

(2) "a retired member of any of the uniformed services" means a member or former member of any of the uniformed services who is entitled, under any provision of law, to retired, retirement, or retainer pay on account of his service as such a member;

(3) "civilian office" means a civilian office or position (including a temporary, part-time, or intermittent position), appointive or elective, in the legislative, executive, or judicial branch of the Government of the United States (including each corporation owned or controlled by such Government and including non-appropriated fund instrumentalities under the jurisdiction of the armed forces) or in the municipal government of the District of Columbia.

TITLE II—EMPLOYMENT OF RETIRED MEMBERS OF UNIFORMED SERVICES

Retired pay, reduction.

SEC. 201. (a) Except as provided by subsections (b), (c), and (e) of this section, a retired officer of any regular component of the uniformed services shall receive the full salary of any civilian office which he holds, but during a period for which he receives salary, his retired or retirement pay shall be reduced to an annual rate equal to the first \$2,000 of such pay plus one-half of the remainder, if any. In the operation of the formula for reduction of such pay under this subsection, such amount of \$2,000 shall be increased, from time to time, by appropriate percentage, in direct proportion to each increase in such pay effected pursuant to the provisions of section 1401a(b) of title 10, United States Code, to reflect changes in the Consumer Price Index.

77 Stat. 214.
10 USC 1401a.

(b) The reduction in retired or retirement pay required by subsection (a) of this section shall not apply to a retired officer of any regular component of the uniformed services whose retirement was based on disability (1) resulting from injury or disease received in line of duty as a direct result of armed conflict or (2) caused by an instrumentality of war and incurred in line of duty during a period of war (as defined in sections 101 and 301 of title 38, United States Code).

72 Stat. 1106,
1118.

(c) The reduction in retired or retirement pay required by subsection (a) of this section shall not apply to a retired officer of any regular component of the uniformed services employed on a temporary (full-time or part-time) basis, any other part-time basis, or any inter-

mittent basis, for the first thirty-day period for which he receives salary. The exemption from reduction in retired or retirement pay provided by this subsection shall not apply to a period longer than—

(1) the first thirty-day period for which he receives salary under any one appointment from the civilian office in which he is employed, if he is serving under not more than one appointment, and

(2) the first period for which he receives salary under more than one appointment, in any fiscal year, which consists in the aggregate of thirty days, from all civilian offices in which he is employed, if he is serving under more than one appointment in such fiscal year.

(d) For the purposes of subsections (a) and (c) of this section, "period for which he receives salary" means the full calendar period for which he receives salary when employed on a full-time basis but only the days for which he actually receives salary when employed on a part-time or intermittent basis.

Definition.

(e) Except as otherwise provided in this subsection, the United States Civil Service Commission, subject to the supervision and control of the President, is authorized to prescribe and issue regulations under which exceptions may be made to the restrictions in subsection (a) of this section whenever it is determined by appropriate authority that such exceptions are warranted on the basis of special or emergency employment needs which otherwise cannot be readily met. The President of the Senate with respect to the United States Senate, the Speaker of the House of Representatives with respect to the United States House of Representatives, and the Architect of the Capitol with respect to the Office of the Architect of the Capitol each is authorized to provide for a means by which exceptions may be made to the restrictions in subsection (a) of this section whenever he determines that such exceptions are warranted on the basis of special or emergency employment needs which otherwise cannot be readily met. The Administrator of the National Aeronautics and Space Administration is authorized to except, at any time, any individual in a scientific, engineering, or administrative position appointed pursuant to clause (A) of section 203(b)(2) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(b)(2)(A)), from the restrictions in subsection (a) of this section, whenever the Administrator determines that such exception is warranted on the basis of special or emergency employment needs which otherwise cannot be readily met; but not more than thirty such exceptions may exist at any one time under such authority.

Restrictions,
exceptions.

Ante, p. 429.

(f) Notwithstanding subsection (a) of this section, a retired officer of any regular component of the uniformed services who was employed in a civilian office on the day immediately preceding the effective date of this subsection—

(1) if, on such immediately preceding day, he was exempt from limitations on compensation, may elect (A) to remain subject to and continue under such exemption or (B) to be subject to applicable limitations and exemptions of subsections (a), (b), (c), and (e) of this section; or

(2) if, on such immediately preceding day, he was subject to limitations on compensation, may elect (A) to remain subject to and continue under such limitations, or (B) to be subject to applicable limitations and exemptions of subsections (a), (b), (c), and (e) of this section.

Such election is irrevocable and shall be filed with the department concerned not later than the ninetieth day after the effective date of this subsection. Any such retired officer who does not file such elec-

tion within the prescribed period shall be held and considered to have elected to remain in the status which he occupies, on such immediately preceding day, with respect to limitations on compensation, or exemptions therefrom, as the case may be. In the event of any appointment, reinstatement, or reemployment of such retired officer which is made after such effective date and follows a break in service of more than thirty days, such retired officer shall be subject to applicable limitations and exemptions of subsections (a), (b), (c), and (e) of this section.

Reserve officers.

61 Stat. 906;
70A Stat. 677.

Post, p. 494.

Post, p. 492.

Veterans' retention rights, restriction.
58 Stat. 390.

(g) A member of any of the uniformed services, serving in the Army or Air Force of the United States without component, under an appointment made under section 515 of the Officer Personnel Act of 1947, in a temporary grade higher than, or the same as, the reserve commission he then held, who, prior to the effective date prescribed by section 403 (a) of this Act, was retired for physical disability in such temporary grade, shall not be considered as subject to the restriction on the concurrent receipt of civilian compensation and retired pay contained in section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a), for any period following such retirement.

(h) A nonregular member of any of the armed forces, who served on active duty in a temporary warrant officer grade and who was retired in that status prior to the effective date prescribed by section 403 (a) of this Act, shall not be considered as subject to the restriction in section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), for any period following such retirement.

SEC. 202. Section 12 of the Veterans' Preference Act of 1944, as amended (5 U.S.C. 861), is amended—

(1) by inserting "(a)" immediately following "Sec. 12.;"

(2) by inserting ", subject to subsection (c) of this section," immediately after the word "That" in the first proviso thereof;

(3) by inserting "(subject to subsection (b) of this section)" immediately after "military preference"; and

(4) by adding at the end thereof the following new subsections:

"(b) Notwithstanding any other provision of this Act, an employee who is a retired member of any of the uniformed services included under section 2 of this Act shall be considered a preference employee for the purposes of subsection (a) of this section only if—

"(1) his retirement was based on disability (A) resulting from injury or disease received in line of duty as a direct result of armed conflict or (B) caused by an instrumentality of war and incurred in the line of duty during a period of war (as defined in sections 101 and 301 of title 38, United States Code); or

"(2) his service does not include twenty or more years of full-time active service (regardless of when performed but not including periods of active duty for training); or

"(3) immediately prior to the effective date of this subsection, he was employed in a civilian office to which this Act applies and, on and after such date, he continues to be employed in any such office without a break in service of more than thirty days.

"(c) In computing length of total service, an employee who is a retired member of any of the uniformed services shall be given credit for—

"(1) the length of time in active service in the armed forces during any war, or in any campaign or expedition (for which a campaign badge has been authorized); or

"(2) if he is included under clause (1), (2), or (3) of subsection (b) of this section, the total length of time in active service in the armed forces."

72 Stat. 1106,
1118.

Service computation.

SEC. 203. The last two sentences of section 203(a) of the Annual and Sick Leave Act of 1951 (5 U.S.C. 2062(a)) are amended to read as follows: "Except as otherwise provided in this subsection, in determining years of service for the purposes of this subsection, there shall be included all service creditable under the provisions of section 3 of the Civil Service Retirement Act for the purposes of an annuity under such Act and the determination of the period of service rendered may be made upon the basis of an affidavit of the employee. Active military service of a retired member of any of the uniformed services is not creditable in determining years of service for the purpose of this subsection unless—

Annual leave
accrual.
65 Stat. 679.

70 Stat. 745.
5 USC 2253.

"(1) his retirement was based on disability (A) resulting from injury or disease received in line of duty as a direct result of armed conflict or (B) caused by an instrumentality of war and incurred in the line of duty during a period of war (as defined in sections 101 and 301 of title 38, United States Code); or

72 Stat. 1106,
1118.

"(2) immediately prior to the effective date of this sentence, he was employed in a civilian office to which this Act applies and, on and after such date, he continued to be employed in any such office without a break in service of more than thirty days; or

"(3) such service was performed in the armed forces during any war, or in any campaign or expedition (for which a campaign badge has been authorized).

In the case of an officer or employee who is not paid on the basis of biweekly pay periods, the leave provided by this title shall accrue on the same basis as it would accrue if such officer or employee were paid on the basis of biweekly pay periods."

SEC. 204. (a) A retired member of any of the armed forces may be appointed to serve in a civilian office in or under the Department of Defense during the period of one hundred and eighty days immediately following his retirement only if—

Defense Dept.
appointments,
conditions.

(1) the proposed appointment is authorized by the Secretary concerned (or his designee for the purpose), and, if such civilian office is in the competitive civil service, after approval by the United States Civil Service Commission; or

(2) the minimum rates of basic compensation for such civilian office have been increased under authority of section 504 of the Federal Salary Reform Act of 1962 (5 U.S.C. 1173); or

76 Stat. 842.

(3) a state of national emergency exists.

(b) A request by appropriate authority for the authorization, or the authorization and approval, as the case may be, required by subsection (a) (1) of this section shall be accompanied by a statement which shows the actions taken to assure that—

(1) full consideration, in accordance with placement and promotion procedures of the department concerned, was given to eligible career employees; and

(2) when selection is by other than certification from an established civil service register, the vacancy has been publicized to give all interested candidates an opportunity to apply; and

(3) qualification requirements for the position have not been written in a manner designed to give advantage to such retired member; and

(4) the position has not been held open pending the retirement of such retired member.

Presidential report to Congress.

SEC. 205. The President shall transmit to the Congress on or before January 1, 1966, a comprehensive report of the operations under this title of the departments and agencies in the executive branch.

TITLE III—LIMITATION ON DUAL COMPENSATION FROM MORE THAN ONE CIVILIAN OFFICE

SEC. 301. (a) Except as provided by subsections (b), (c), (d), and (e) of this section, civilian personnel shall not be entitled to receive basic compensation from more than one civilian office for more than an aggregate of forty hours of work in any one calendar week (Sunday through Saturday).

Restrictions, exceptions.

(b) Except as otherwise provided by subsection (c) of this section, the United States Civil Service Commission, subject to the supervision and control of the President, is authorized to prescribe and issue regulations under which exceptions may be made to the restrictions in subsection (a) of this section whenever it is determined by appropriate authority that such exceptions are warranted on the ground that personal services otherwise cannot be readily obtained.

(c) Unless otherwise authorized by law, no money appropriated by any Act shall be available for payment to any person of salary from more than one civilian office if the aggregate amount of the basic compensation from such offices exceeds the sum of \$2,000 per annum, and if (1) one of such salaries is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives or (2) one of such offices is under the Office of the Architect of the Capitol.

Exemptions.

(d) Subsection (a) of this section does not apply to—

(1) compensation on a when-actually-employed basis received from more than one consultant or expert position if such compensation is not received for the same hours of the same day;

(2) compensation consisting of fees paid on other than a time basis;

(3) compensation received by teachers of the public schools of the District of Columbia for employment in a civilian office during the summer vacation period;

(4) compensation paid by the Tennessee Valley Authority to employees performing part-time or intermittent work in addition to their normal duties when the Authority deems it to be in the interest of efficiency and economy;

(5) compensation received by any person holding an office or position the compensation for which is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives or any office or position under the Architect of the Capitol;

(6) compensation paid by the United States Coast Guard to employees occupying part-time positions of lamplighters; and

(7) compensation within the purview of any of the following provisions of law:

(A) section 9 of the Act of October 6, 1917 (40 Stat. 384; D.C. Code, sec. 31-631), relating to teachers in the public schools of the District of Columbia who also are employed in night schools and vacation schools;

(B) section 6 of the Act of March 3, 1925 (43 Stat. 1108), as amended by the Act of January 27, 1926 (44 Stat. 2),

relating to employees of the Library of Congress (2 U.S.C. 162; 5 U.S.C. 60);

(C) the Act of July 1, 1942 (56 Stat. 467; D.C. Code, sec. 31-631a), relating to custodial employees of the Board of Education of the District of Columbia;

(D) section 2 of the Act of July 22, 1947, as amended (61 Stat. 400, 74 Stat. 11; 33 U.S.C. 873), relating to extra compensation paid in connection with instrument observation or recording, the observation of tides or currents, or the tending of seismographs or magnetographs;

(E) section 3 of the Act of June 2, 1948, as amended (62 Stat. 286, 74 Stat. 11; 15 U.S.C. 327), relating to extra compensation paid in connection with the taking and transmitting of meteorological observations;

(F) section 10(b) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (73 Stat. 217; 5 U.S.C. 2358(b)), relating to the compensation of certain teachers employed in another position in recess periods;

(G) section 102 of chapter 7 of title 2, Canal Zone Code (76A Stat. 15), relating to teachers in the public schools of the Canal Zone who also are employed in night schools or in vacation schools or programs;

(H) section 23(b) of title 13, United States Code, relating to the payment of compensation to employees for the field work of the Bureau of the Census, Department of Commerce; or

74 Stat. 911.

(I) subsection (a) or (c) of section 3335 of title 39, United States Code, relating to dual employment and extra duties in the postal field service.

74 Stat. 612.

(e) With respect to the compensation of persons serving on the effective date of this section in more than one position under properly authorized appointments, subsection (a) of this section shall not apply for the duration of the appointment or appointments concerned.

(f) This title shall not be applicable to persons employed under the joint resolution approved July 6, 1961 (75 Stat. 199; Public Law 87-82), or under section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (54 Stat. 1056; Public Law 812, 76th Congress).

40 USC 174j-1-174j-7.

40 USC 174k.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. (a) Section 18 of the Act of December 20, 1944, as added by section 2 of the Act of August 19, 1950 (64 Stat. 466; D.C. Code, sec. 2-1226), is amended by inserting immediately before the period at the end thereof a comma and the following: "subject to section 201 of the Dual Compensation Act".

Ante, p. 484.

(b) The second paragraph of section 2 of the Act of August 11, 1950 (64 Stat. 438; D.C. Code, sec. 6-1202), is amended to read as follows:

"Notwithstanding the limitation of any law, there may be employed in such Office of Civil Defense any person who has been retired from any of the uniformed services of the United States or any office or position in the Federal or District governments, and except as herein-after provided, while so employed in such Office of Civil De-

fense any such retired person may receive the compensation authorized for such employment or the retirement compensation or annuity, whichever he may elect, and upon the termination of such employment, he shall be restored to the same status as a retired officer or employee with the same retirement compensation or annuity to which he was entitled before having been employed in such Office of Civil Defense. While any person who has been retired from any of the uniformed services of the United States is so employed in such Office of Civil Defense, he may receive the compensation authorized for such employment and his retired or retirement pay, subject to section 201 of the Dual Compensation Act.”

Ante, p. 484.

(c) Section 13(b) of the Peace Corps Act (75 Stat. 619; 22 U.S.C. 2512(b)) is amended—

Post, p. 494.

(1) by striking out “section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a),”; and

(2) by inserting immediately before the period at the end thereof a comma and the following: “subject to section 201 of the Dual Compensation Act”.

(d) Section 44 of the Arms Control and Disarmament Act (75 Stat. 636; 22 U.S.C. 2584) is amended—

(1) by striking out “section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a),”; and

(2) by inserting immediately before the period at the end thereof a comma and the following: “subject to section 201 of the Dual Compensation Act”.

(e) Section 626(b) of part III of the Act entitled “An Act to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward economic development and internal and external security, and for other purposes”, approved September 4, 1961 (75 Stat. 451; 22 U.S.C. 2386(b)), is amended—

(1) by striking out “section 212 of Public Law 72-212, as amended (5 U.S.C. 59a),”; and

(2) by inserting immediately before the period at the end thereof a comma and the following: “subject to section 201 of the Dual Compensation Act”.

(f) Section 28 of the Atomic Energy Act of 1954 (68 Stat. 926; 42 U.S.C. 2038) is amended by striking out “Any such officer serving as Chairman of the Military Liaison Committee shall receive, in addition to his pay and allowances, including special and incentive pays, or in addition to his retired pay, an amount equal to the difference between such pay and allowances, including special and incentive pays, or between his retired pay, and the compensation prescribed for the Chairman of the Military Liaison Committee.” and inserting in lieu thereof the following: “Any such active officer serving as Chairman of the Military Liaison Committee shall receive, in addition to his pay and allowances, including special and incentive pays, an amount equal to the difference between such pay and allowances, including special and incentive pays, and the compensation fixed for such Chairman. Any such retired officer serving as Chairman of the Military Liaison Committee shall receive the compensation fixed for such Chairman and his retired pay, subject to section 201 of the Dual Compensation Act.”

(g) Section 204(d) of the National Aeronautics and Space Act of 1958 (72 Stat. 432; 42 U.S.C. 2474(d)) is amended by striking out “The compensation received by any such officer for his service as Chairman of the Liaison Committee shall be equal to the amount (if any) by which the compensation fixed by subsection (a)(1) for such Chairman exceeds his pay and allowances (including special

and incentive pays) as an active officer, or his retired pay." and inserting in lieu thereof "Any such active officer serving as Chairman of the Liaison Committee shall receive, in addition to his pay and allowances, including special and incentive pays, an amount equal to the difference between such pay and allowances, including special and incentive pays, and the compensation fixed by subsection (a) (1) for such Chairman. Any such retired officer serving as Chairman of the Liaison Committee shall receive the compensation fixed by subsection (a) (1) for such Chairman and his retired pay, subject to section 201 of the Dual Compensation Act."

Ante, p. 484.

(h) Section 3(b) (1) of the Act of August 28, 1958 (72 Stat. 1091; Public Law 85-850), is amended to read as follows:

"(1) One member, who shall serve as Chairman, and who shall be a resident from the area comprising the Savannah, Altamaha, Saint Marys, Apalachicola-Chattahoochee, and Perdido-Escambia River Basins (and intervening areas) embraced within the States referred to in the first section of this Act and who shall not, during the period of his service on the Commission, hold any other position as an officer or employee of the United States, except that a retired military officer or a retired Federal civilian officer or employee may be appointed under this Act without prejudice to his retired status. A retired Federal civilian officer or employee appointed under this Act shall receive compensation as authorized herein in addition to his annuity, but the sum of his annuity and such compensation as may be payable hereunder shall not exceed \$12,000 in any one calendar year. A retired military officer appointed under this Act shall receive compensation as authorized herein and his retired pay, subject to section 201 of the Dual Compensation Act;"

(i) Section 9 of the Act of October 6, 1917 (40 Stat. 384; D.C. Code, sec. 31-631), is amended by striking out "That section six of the legislative, executive, and judicial appropriation Act, approved May tenth, nineteen hundred and sixteen, as amended by the naval appropriation Act, approved August twenty-ninth, nineteen hundred and sixteen," and inserting in lieu thereof "Section 301 of the Dual Compensation Act".

Post, p. 493.

Ante, p. 488.

(j) Section 6 of the Act of March 3, 1925, as amended by the Act of January 27, 1926 (43 Stat. 1108, 44 Stat. 2; 2 U.S.C. 162, 5 U.S.C. 60), is amended by striking out "nor shall any additional compensation so paid to such employees be construed as a double salary under the provisions of section 6 of the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, as amended (Thirty-ninth Statutes at Large, page 582)." and inserting in lieu thereof "and section 301 of the Dual Compensation Act shall not apply to any additional compensation so paid to such employees."

(k) The Act of July 1, 1942 (56 Stat. 467; D.C. Code, sec. 31-631a), is amended by striking out "That section 6 of the Act entitled 'An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917', approved May 10, 1916 (39th Stat. 120), and Acts amendatory thereto," and inserting in lieu thereof "That section 301 of the Dual Compensation Act".

(l) Section 2 of the Act of July 22, 1947, as amended (61 Stat. 400, 74 Stat. 11; 33 U.S.C. 873), is amended by inserting immediately before the period at the end thereof the following: "and without regard to section 301 of the Dual Compensation Act".

(m) Section 3 of the Act of June 2, 1948, as amended (62 Stat. 286, 74 Stat. 11; 15 U.S.C. 327), is amended by inserting immediately before the period at the end thereof the following: "without regard to section 301 of the Dual Compensation Act".

(n) Section 10(b) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (73 Stat. 217; 5 U.S.C. 2358(b)) is amended by striking out "section 2 of the Act of July 31, 1894 (5 U.S.C. 62), relative to the holding of more than one office, section 6 of the Act of May 10, 1916 (5 U.S.C. 58 and 59), relative to double salaries, and any other law relating to the receipt of more than one salary or the holding of more than one office" and inserting in lieu thereof "section 301 of the Dual Compensation Act".

Ante, p. 488.

(o) Section 102 of chapter 7 of title 2, Canal Zone Code (76A Stat. 15), is amended by striking out "Section 2 of the Legislative, Executive, and Judicial Appropriation Act, approved July 31, 1894, as amended (28 Stat. 205; 5 U.S.C., sec. 62), and section 6 of the Legislative, Executive, and Judicial Appropriation Act, approved May 10, 1916, as amended (39 Stat. 120; 5 U.S.C., sec. 58), do" and inserting in lieu thereof "Section 301 of the Dual Compensation Act does".

74 Stat. 911.

(p) Section 23(b) of title 13, United States Code, is amended by inserting immediately before the period at the end thereof the following: "without regard to section 301 of the Dual Compensation Act".

74 Stat. 612.

(q) Subsections (a) and (c) of section 3335 of title 39, United States Code, each are amended by striking out "sections 58, 62, 69, and 70 of title 5" and inserting in lieu thereof "sections 69 and 70 of title 5 and section 301 of the Dual Compensation Act".

Repeals.

SEC. 402. (a) The following laws and parts of laws are hereby repealed:

(1) Section 1763 of the Revised Statutes (5 U.S.C. 58), relating to the receipt of compensation from more than one office.

(2) Section 2074 of the Revised Statutes (25 U.S.C. 50), prohibiting the holding of more than one office at the same time under title XXVIII of the Revised Statutes.

(3) Section 4395 of the Revised Statutes as amended by the Act of January 20, 1888 (25 Stat. 1), providing for the appointment of a Commissioner of Fish and Fisheries who shall not hold any other office.

(4) The Act of July 2, 1882 (22 Stat. 176), authorizing additional pay or compensation for Government employees engaged in cataloging Government publications at the direction of the Joint Committee on Printing.

(5) The sentence in the Act of February 25, 1885 (23 Stat. 329), which reads as follows: "And hereafter no consul or consul-general shall be entitled to or allowed any part of any salary appropriated for payment of a secretary or second secretary of legation or an interpreter."

(6) Joint Resolution Numbered 3 of February 5, 1889 (25 Stat. 1019), authorizing the President to appoint an officer of the United States Coast and Geodetic Survey as a delegate to the International Geodetic Association to serve without extra salary or additional compensation.

(7) Section 2 of the Act of July 31, 1894 (28 Stat. 205), as amended by the Act of May 31, 1924 (43 Stat. 245), by section 6 of the Act of July 30, 1937 (50 Stat. 549), and by the Act of June 25, 1938 (52 Stat. 1194), relating to the holding of two offices (5 U.S.C. 62).

(8) The paragraph in the Act of February 20, 1895 (28 Stat. 676), providing for the compensation of members of a commission established to recommend the location of a certain building, which reads as follows:

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed six dollars per day and actual traveling expenses: *Provided, however,* That the

member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses."

(9) Section 7 of the Act of June 3, 1896 (29 Stat. 235; 5 U.S.C. 63), relating to the employment of retired officers of the Army and Navy in connection with river and harbor improvements.

(10) Section 7 of the Act of June 28, 1902 (32 Stat. 483), relating to the appointment and compensation of certain officers employed under such Act.

(11) The paragraph of the Act of March 4, 1909 (35 Stat. 931), relating to the pay of retired Army and Navy officers and enlisted men then in the employ of the Isthmian Canal Commission, which reads as follows:

"Authority is hereby granted for the payment of salaries and wages accrued or hereafter earned of retired army and navy officers and enlisted men now in the employment of the Isthmian Canal Commission, in addition to their retired pay, where their compensation under such employment does not exceed two thousand five hundred dollars per annum."

(12) The second paragraph under the center heading "THE ISTHMIAN CANAL" with the side heading "National Waterways Commission:" in the Act of August 5, 1909 (36 Stat. 130), authorizing the National Waterways Commission to pay not to exceed three officers or employees of the Government without regard to the Act of July 31, 1894, and other laws.

(13) Section 12 of the Act of August 20, 1912 (37 Stat. 319; 7 U.S.C. 165), relating to the appointment of members of a Federal Horticultural Board from among employees of the Department of Agriculture.

(14) Section 6 of the Act of May 10, 1916 (39 Stat. 120; 5 U.S.C. 58), as amended by the Act of August 29, 1916 (39 Stat. 582; 5 U.S.C. 59), relating to double salaries.

(15) Section 8 of the Act of March 21, 1918 (40 Stat. 455-456), authorizing the President to avail himself of the assistance of Government employees in the operation of transportation facilities taken over by the President.

(16) Sections 3 and 4 of the War Finance Corporation Act (40 Stat. 507; 15 U.S.C. 333, 334), authorizing the appointment of Government employees to membership on the Board of Directors of the War Finance Corporation and providing for their compensation.

(17) The last paragraph under the heading "DISTRICT OF COLUMBIA" and under the subheading "PUBLIC SCHOOLS" contained in the first section of the Act of July 8, 1918 (40 Stat. 823; D.C. Code, sec. 31-631), relating to the application of section 6 of the Act of May 10, 1916, to employees of the community center department of the public schools of the District of Columbia.

(18) The ninth paragraph under the heading "DISTRICT OF COLUMBIA" and under the subheading "PUBLIC SCHOOLS" contained in the first section of the Third Deficiency Act, fiscal year 1920 (41 Stat. 1017; D.C. Code, sec. 31-631), relating to the application of section 6 of the Act of May 10, 1916, to employees of the school garden department of the public schools of the District of Columbia.

(19) That part of the proviso contained in the paragraph under the heading "BUREAU OF THE BUDGET" in the Act of February 17, 1922 (42 Stat. 373; 5 U.S.C. 64), relating to the application of section 2 of the Act of July 31, 1894, to retired officers of the Army, Navy, Marine Corps, or Coast Guard appointed to certain offices in the Bureau of the Budget, which reads as follows: "Provided, That section 2 of the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending

Ante, p. 492.

42 Stat. 22.
31 USC 16.

June 30, 1895, and for other purposes, approved July 31, 1894, shall not be construed as having application to retired officers of the Army, Navy, Marine Corps, or Coast Guard who may be appointed to the offices created by section 207 of the Budget and Accounting Act, 1921, approved June 10, 1921, within the meaning of precluding payment to such officers of the difference in pay prescribed for such offices and their retired pay;”.

(20) Section 212 of the Act of June 30, 1932 (47 Stat. 406), as amended by section 3 of the Act of July 15, 1940 (54 Stat. 761), by the Act of February 20, 1954 (68 Stat. 18), by section 2 of the Act of August 4, 1955 (69 Stat. 498), by section 2201(11) of the Act of June 17, 1957 (71 Stat. 158), and by section 13(d) of the Act of September 2, 1958 (72 Stat. 1264), relating to the limitation on the amount of retired pay received for commissioned officer service when combined with Government civilian salary (5 U.S.C. 59a).

(21) The Act of September 13, 1940 (54 Stat. 885), authorizing Jesse H. Jones, Federal Loan Administrator, to exercise the duties of the Office of Secretary of Commerce.

(22) The Act of March 29, 1945 (59 Stat. 38), authorizing the Doorkeeper of the House of Representatives during the Seventy-ninth Congress to employ Government employees for folding speeches and pamphlets.

(23) The Act of August 10, 1946 (60 Stat. 978), as amended by the Act of October 29, 1951 (65 Stat. 662), providing authority for the employment of certain retired officers in the Veterans' Administration (formerly contained in 5 U.S.C. 64a), which authority has expired.

(24) The fifth sentence of section 3 of the Reconstruction Finance Corporation Act, as in effect on June 30, 1947 (47 Stat. 6), and as continued by section 3(a) of such Act, as amended (61 Stat. 203, 62 Stat. 262; 15 U.S.C. 603(a)), relating to employees of the Reconstruction Finance Corporation, which reads: “Nothing contained in this or in any other Act shall be construed to prevent the appointment and compensation as an employee of the corporation of any officer or employee of the United States in any board, commission, independent establishment, or executive department thereof.”

(25) Section 2 of the Act of July 11, 1947 (61 Stat. 311; D.C. Code, sec. 4-183), relating to the position of director of the band in the Metropolitan Police force of the District of Columbia.

62 Stat. 197.

(26) Section 3 of the Act of April 21, 1948, as amended (7 U.S.C. 438), relating to the Remount Service in the Department of Agriculture.

(27) That part of section 9 of the Act of June 4, 1948 (62 Stat. 342; D.C. Code, sec. 2-1709), relating to personnel of the Armory Board of the District of Columbia, which reads: “, and without regard to any prohibition against double salaries contained in any other law”.

(28) Section 5(f) of the Central Intelligence Agency Act of 1949, as amended (65 Stat. 89, 72 Stat. 337; 50 U.S.C. 403f(f)), authorizing employment of not more than fifteen retired officers who must elect between civilian salary and retired pay.

(29) That part of the second sentence of section 103 of the American-Mexican Treaty Act of 1950 (64 Stat. 847), relating to the International Boundary and Water Commission, United States and Mexico, which reads: “, and who shall be entitled to receive, as compensation for such temporary service, the difference between the rates of pay established therefor and their retired pay during the period or periods of such temporary employment”.

(30) That part of section 401(a) of the Federal Civil Defense Act of 1950, as amended (64 Stat. 1254; 50 U.S.C. App. 2253(a)), which reads: “and, notwithstanding the provisions of any other law,

except those imposing restrictions upon dual compensation, employ, in a civilian capacity, with the approval of the President, not to exceed twenty-five retired personnel of the armed services on a full- or part-time basis without loss or reduction of or prejudice to their retired status;”.

(31) Subparagraph (g) of the third paragraph of the Act of August 5, 1953 (67 Stat. 366), as amended by the Act of August 9, 1955 (69 Stat. 590), and by the Act of August 28, 1957 (71 Stat. 457), relating to the Corregidor-Bataan Memorial Commission (36 U.S.C. 426(g)).

(32) Section 12 of the District of Columbia Teachers' Salary Act of 1955 (69 Stat. 529; D.C. Code, sec. 31-1541), authorizing employment of retired members of the armed services of the United States as teachers of military science and tactics in public high schools of the District of Columbia.

(33) Section 8 of the Act of September 7, 1957 (71 Stat. 628; 36 U.S.C. 748), relating to appointment and pay of certain retired officers by the Civil War Centennial Commission.

(34) Section 203(b)(11) of the National Aeronautics and Space Act of 1958 (72 Stat. 431; 42 U.S.C. 2473 (b)(11)), authorizing the employment of retired commissioned officers subject only to the limitations in pay set forth in section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a).

(35) Section 626(c) of the Act of September 4, 1961 (75 Stat. 451; 22 U.S.C. 2386(c)), authorizing employment of retired officers under the Act for International Development of 1961 or the International Peace and Security Act of 1961.

(36) Section 201(d) of chapter 7 of title 2, Canal Zone Code (76A Stat. 21), relating to retired members of a regular component of the Armed Forces or the Public Health Service of the United States employed in the Canal Zone Government or the Panama Canal Company.

(37) The matter contained in section 507 of the Department of Defense Appropriation Act, 1964 (77 Stat. 264; Public Law 88-149), relating to retired military personnel on duty at the United States Soldiers' Home, which reads: “: *Provided*, That section 212 of the Act of June 30, 1932 (5 U.S.C. 59a), shall not apply to retired military personnel on duty at the United States Soldiers' Home”, and provisions to the same effect contained in other appropriation Acts enacted prior to the effective date of this section relative to retired military personnel on duty at the United States Soldiers' Home (5 U.S.C. 59b).

(38) The next to the last sentence of section 4103(b) of title 38, United States Code, relating to the application of certain provisions of law to the Chief Medical Director of the Department of Medicine and Surgery of the Veterans' Administration, which reads: “Section 62 of title 5 of the United States Code shall not apply to any individual appointed Chief Medical Director before January 1, 1964; however, section 59a of title 5 shall apply, in accordance with its terms, to any such individual.”.

(b) All other provisions of law, general or specific, inconsistent with this Act and the amendments made by this Act, are hereby repealed.

(c) Nothing contained in this Act shall be construed to repeal or modify the provisions of the last paragraph under the heading “Administrative Provisions” in the appropriations for the Senate contained in the Legislative Branch Appropriation Act, 1957 (70 Stat. 360; 2 U.S.C. 66a).

Effective dates.

SEC. 403. (a) Except as provided in subsection (b) of this section, this Act shall become effective on the first day of the first month which begins later than the ninetieth day following the date of enactment of this Act.

(b) This section and sections 201(g) and 201(h) shall become effective on the date of enactment of this Act.

Savings provision.

SEC. 404. If any provision of this Act shall be held invalid, the remainder of this Act shall not be affected thereby.

Approved August 19, 1964.

Public Law 88-449

August 19, 1964
[S. 1991]

AN ACT

To charter by Act of Congress the Pacific Tropical Botanical Garden.

Pacific Tropical
Botanical Garden.
Charter.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CREATION OF THE CORPORATION

SECTION 1. The following persons: Henry Francis duPont, Winterthur, Delaware; Deane Waldo Malott, Ithaca, New York; Horace Marden Albright, Los Angeles, California; Robert Allerton, Kauai, Hawaii; and Paul Bigelow Sears, New Haven, Connecticut; and their successors, are hereby created and declared to be a body corporate by the name of Pacific Tropical Botanical Garden (hereinafter referred to as the "corporation") and by such name shall be known and have perpetual succession and the powers, limitations, and restriction herein contained.

COMPLETION OF ORGANIZATION

SEC. 2. The persons named in section 1 shall be the incorporators of the corporation and members of the initial board of trustees and are authorized to complete the organization of the corporation by the selection of other trustees and officers, the adoption of bylaws, not inconsistent with this Act, and the doing of such other acts necessary to carry into effect the provisions of this Act.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be—

(a) to establish, develop, operate, and maintain for the benefit of the people of the United States an educational and scientific center in the form of a tropical botanical garden or gardens, together with such facilities as libraries, herbaria, laboratories, and museums which are appropriate and necessary for encouraging and conducting research in basic and applied tropical botany;

(b) to foster and encourage fundamental research with respect to tropical plant life and to encourage research and study of the uses of tropical flora in agriculture, forestry, horticulture, medicine, and other sciences;

(c) to disseminate through publications and other media the knowledge acquired at the gardens relative to basic and applied tropical botany;

(d) to collect and cultivate tropical flora of every nature and origin and to preserve for the people of the United States species of tropical plant life threatened with extinction;

(e) to provide a beneficial facility which will contribute to the education, instruction, and recreation of the people of the United States.

POWERS OF CORPORATION

SEC. 4. The corporation shall have the following powers:

(a) to sue and be sued, and to complain and defend in any court of competent jurisdiction;

(b) to adopt, use, and alter a corporate seal;

(c) to choose such trustees, officers, managers, agents, and employees as the activities of the corporation may require;

(d) to adopt, amend, and alter bylaws, not inconsistent with the laws of the United States of America or of any State in which the corporation is to operate, or of the District of Columbia, for the management of its property and the regulation of its affairs;

(e) to make contracts;

(f) to take and hold by lease, gift, purchase, grant, devise, or bequest, or by any other method, any property, real, personal, or mixed, necessary or proper, for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State or the District of Columbia (1) governing the amount or kind of such property which may be held by, or (2) otherwise limiting or controlling the ownership or any such property by a corporation operating in such State or the District of Columbia;

(g) to transfer, convey, lease, sublease, mortgage, encumber, and otherwise alienate real, personal, or mixed property; and

(h) to borrow money for the purposes of the corporation, issue bonds or other evidences of indebtedness therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of the Federal and State laws or to the laws of the District of Columbia; and

(i) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

BOARD OF TRUSTEES

SEC. 5. (a) Upon enactment of this Act, the trustees of the corporation may select additional persons to serve as members of the board of trustees. The total number of trustees shall not exceed fifteen. The incorporators of the corporation shall each serve on the board of trustees for a term of at least three years.

(b) Except for the foregoing provision, the board of trustees of the corporation shall be selected in such manner and shall serve for such time as may be prescribed in the bylaws of the corporation.

(c) The board of trustees shall be the managing body of the corporation and shall have such powers, duties, and responsibilities as may be prescribed in the bylaws of the corporation.

OFFICERS

SEC. 6. (a) The officers of the corporation shall be a president, one or more vice presidents, a secretary, a treasurer, and such other officers as may be authorized by the bylaws of the corporation.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the bylaws of the corporation.

PRINCIPAL CORPORATE OFFICE AND TERRITORIAL SCOPE OF CORPORATE
ACTIVITIES; RESIDENT AGENT

SEC. 7. (a) The corporation initially shall have its principal office in the District of Columbia and later at such place as may be determined by the board of trustees. The corporation shall have the right to conduct its activities in the United States and elsewhere but shall establish a tropical botanical garden or gardens only in the United States.

(b) The corporation shall maintain in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP; VOTING RIGHTS

SEC. 8. (a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary and associate members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

AUDIT OF FINANCIAL TRANSACTIONS; REPORT TO CONGRESS

SEC. 10. (a) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including (1) the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, and (2) a schedule of all contracts requiring payments in excess of \$10,000 and any payments of compensation, salaries, or fees at a rate in excess of \$10,000 per annum. The report shall not be printed as a public document.

BOOKS AND RECORDS; INSPECTION

SEC. 11. The corporation shall keep correct and complete books and records of account. It shall also keep minutes of the proceedings of its board of trustees, and committees having any of the authority of the board of trustees. The corporation shall also keep at its principal office a record of the names and addresses of its members entitled to vote.

All books and records of the corporation shall be open for inspection by any member of the corporation or his agent or attorney for any proper purpose at any reasonable time.

DIVIDENDS

SEC. 12. The corporation shall have no power to issue shares of stock or to declare or pay dividends.

USE OF INCOME; LOANS TO OFFICERS, TRUSTEES, OR EMPLOYEES

SEC. 13. (a) No part of the income or assets of the corporation shall inure to any member, officer, or trustee, or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation in amounts approved by the board of trustees of the corporation.

(b) The corporation shall not make loans to its officers, trustees, or employees. Any trustee who votes for or assents to the making of a loan to an officer, trustee, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 14. Upon dissolution or final liquidation of the corporation, all assets remaining after the corporation's liabilities have been satisfied, shall be distributed to the United States Government, to be administered by the Secretary of the Interior, under the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, or to a State or local government to be used for a public purpose, in accordance with the determination of the board of trustees, consistent with the purposes of the corporation, and in compliance with the charter and bylaws of the corporation and Federal and State laws.

NONPOLITICAL NATURE OF CORPORATION

SEC. 15. The corporation, and its officers and trustees as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office.

EXCLUSIVE USE OF NAME

SEC. 16. The corporation shall have the sole and exclusive right to use and to authorize the use of the name "Pacific Tropical Botanical Garden."

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 17. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

Approved August 19, 1964.

Public Law 88-450

August 19, 1964
[H. R. 8009]

AN ACT

To amend title 38, United States Code, to provide veterans with urgently needed nursing home care and nursing care facilities while reducing the cost to the United States of caring for such veterans, and for other purposes.

Veterans.
Nursing home
care.
72 Stat. 1251.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 5001 of title 38, United States Code, is amended (1) by inserting "(1)" immediately after "(a)", (2) by redesignating clauses (1) and (2) thereof as clauses (A) and (B), respectively, and (3) by adding at the end thereof the following new paragraph:

"(2) The Administrator, subject to the approval of the President, is authorized to establish and operate not less than four thousand beds for the furnishing of nursing home care to eligible veterans in facilities over which the Administrator has direct and exclusive jurisdiction."

Transfers to
other institutions.
72 Stat. 1141.
38 USC 610-619.

SEC. 2. (a) Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 620. Transfers for nursing home care

"(a) Subject to subsection (b) of this section, the Administrator may transfer any veteran, who has been furnished care by the Administrator in a hospital under the direct and exclusive jurisdiction of the Administrator, to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care, for care at the expense of the United States, if the Administrator determines that—

Conditions.

"(1) such veteran has received maximum benefits from such care in such hospital, but will require a protracted period of nursing home care which can be furnished in such institution, and

"(2) the cost of such nursing home care in such institution will not exceed one-third of the cost of care furnished by the Veterans' Administration in a general hospital under the direct and exclusive jurisdiction of the Administrator, as such cost may be determined from time to time by the Administrator.

Nursing home care may not be furnished pursuant to this section at the expense of the United States for more than six months in the aggregate in connection with any one transfer, except where in the judgment of the Administrator a longer period is warranted in the case of any veteran.

"(b) No veteran may be transferred to any institution for nursing home care under this section, unless such institution is determined by the Administrator to meet such standards as he may prescribe."

(b) The analysis of chapter 17 of title 38, United States Code, is amended by inserting immediately below

"619. Repair or replacement of certain prosthetic and other appliances." the following:

"620. Transfers for nursing home care."

Payments.
72 Stat. 1146;
74 Stat. 424.

SEC. 3. (a) Section 641 of title 38, United States Code, is amended to read as follows:

"§ 641. Criteria for payment

"The Administrator shall pay each State at the per diem rate of \$2.50 for each veteran of any war receiving hospitalization or domiciliary care in a State home in such State if the veteran is eligible for hospitalization or domiciliary care in a Veterans' Administration facility, and at the per diem rate of \$3.50 for each veteran of any war

receiving nursing home care in a State home in such State, if such veteran meets the requirements of paragraph (1), (2), or (3) of section 610(a) of this title, except that the requirement in clause (B) of such paragraph (1) shall, for this purpose, refer to the inability to defray the expenses of necessary nursing home care; however, such payment shall not be more, in any case, than one-half of the cost of the veteran's maintenance in such State home."

72 Stat. 1141;
76 Stat. 381.
38 USC 610.

(b) No payment shall be made to any State home solely by reason of the amendment made by this section on account of nursing home care furnished any veteran except where such care is furnished the veteran by the State home for the first time after the effective date of this section.

Restriction.

(c) The amendment made by this section shall take effect on January 1, 1965; except that subsection (b) of section 641 of title 38, United States Code, as in effect immediately before such date, shall remain in effect with respect to any amounts retained or collected by any State home before such date.

72 Stat. 1146;
76 Stat. 935.

SEC. 4. (a) Chapter 81 of title 38, United States Code, is amended by adding at the end thereof the following new subchapter:

72 Stat. 1251.
38 USC 5001-
5014.

"Subchapter III—State Home Facilities for Furnishing Nursing Home Care

"§ 5031. Definitions

"For the purpose of this subchapter—

"(a) The war veteran population of each State shall be determined on the basis of the latest figures certified by the Department of Commerce.

"(b) The term 'State' does not include any possession of the United States.

"(c) The term 'construction' means the construction of new buildings, the expansion, remodeling, modification, or alteration of existing buildings, and the providing of initial equipment for any such buildings.

"(d) The term 'cost of construction' means the amount found by the Administrator to be necessary for a project of construction of nursing home care facilities, including architect fees, but not including the cost of acquisition of land.

"§ 5032. Declaration of purpose

"The purpose of this subchapter is to assist the several States to construct State home facilities for furnishing nursing home care to war veterans.

"§ 5033. Authorization of appropriations

"(a) There is hereby authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1965, and a like sum for each of the four succeeding fiscal years. Sums appropriated pursuant to this section shall be used for making grants to States which have submitted, and have had approved by the Administrator, applications for carrying out the purposes of section 5032 of this title.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated.

"(c) Not more than 10 per centum of the funds appropriated pursuant to subsection (a) of this section for any fiscal year shall be used to assist in the construction of nursing home care facilities in any one State.

“§ 5034. General regulations

“Within six months after the date of enactment of this subchapter, the Administrator shall prescribe the following by regulation:

“(1) The number of beds required to provide adequate nursing home care to war veterans residing in each State, which number shall not exceed one-half bed per thousand war veteran population in the case of any State.

“(2) General standards of construction, repairs, modernization, alteration, and equipment for facilities for furnishing nursing home care which are constructed with assistance received under this subchapter.

“§ 5035. Applications with respect to projects; payments

“(a) After regulations have been prescribed by the Administrator under section 5034 of this title, any State desiring to receive assistance for a project for construction of State home facilities for furnishing nursing home care must submit to the Administrator an application. Such application shall set forth—

“(1) the amount of the grant requested with respect to such project which may not exceed 50 per centum of the estimated cost of construction of such project,

“(2) a description of the site for such project,

“(3) plans and specifications for such project in accordance with regulations prescribed by the Administrator pursuant to section 5034(2) of this title,

“(4) reasonable assurance that upon completion of such project the facilities will be used principally to furnish nursing home care to war veterans and that not more than 10 per centum of the bed occupancy at any one time will consist of patients who are not receiving nursing home care as war veterans,

“(5) reasonable assurance that title to such site is or will be vested solely in the applicant, a State home, or another agency or instrumentality of the State,

“(6) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when complete,

“(7) reasonable assurance that the State will make such reports in such form and containing such information as the Administrator may from time to time reasonably require, and give the Administrator, upon demand, access to the records upon which such information is based, and

“(8) reasonable assurance that the rates of pay for laborers and mechanics engaged in construction of the project will be not less than the prevailing local wage rates for similar work as determined in accordance with sections 276a through 276a-5 of title 40 (known as the Davis-Bacon Act).

“(b) The Administrator shall approve any such application if he finds that—

“(1) there are sufficient funds available to make the grant requested with respect to such project,

“(2) such grant does not exceed 50 per centum of the estimated cost of construction of such project,

“(3) that such a grant would not result in more than 10 per centum of the funds appropriated for any fiscal year pursuant to section 5033(a) of this title being used to assist the construction of facilities in any one State,

“(4) the application contains such reasonable assurance as to use, title, financial support, reports and access to records, and payment of prevailing rates of wages, as the Administrator may determine to be necessary, and

"(5) the plans and specifications for such project are in accord with regulations prescribed pursuant to section 5034(2) of this title and that the construction of such project, together with other projects under construction and other facilities, will not result in more than the number of beds prescribed by the Administrator pursuant to section 5034(1) of this title for the State in which such project is located being available for furnishing nursing home care to war veterans in such State.

Legal hearing.

"(c) No application submitted to the Administrator under this section shall be disapproved until the Administrator has afforded the applicant an opportunity for a hearing.

"(d) Upon approving an application under this section, the Administrator shall certify to the Secretary of the Treasury the amount of the grant requested with respect to such project in such application, but in no event an amount greater than 50 per centum of the estimated cost of construction of the project, and shall designate the appropriation from which it shall be paid. Such certification shall provide for payment to the applicant or, if designated by the applicant, the State home for which such project is being constructed or any other agency or instrumentality of the applicant. Such amount shall be paid, in advance or by way of reimbursement, and in such installments consistent with the progress of construction as the Administrator may determine and certify for payment to the Secretary of the Treasury. Funds paid under this section for the construction of an approved project shall be used solely for carrying out such project as so approved.

"(e) Any amendment of any approved application shall be subject to approval in the same manner as an original application.

"§ 5036. Recapture provisions

"If, within twenty years after completion of any project for construction of facilities for furnishing nursing home care with respect to which a grant has been made under this subchapter, such facilities cease to be operated by a State, a State home, or an agency or instrumentality of a State principally for furnishing nursing home care to war veterans, the United States shall be entitled to recover from the State which was the recipient of the grant under this subchapter, or from the then owner of such facilities, 50 per centum of the then value of such facilities, as determined by agreement of the parties or by action brought in the district court of the United States for the district in which such facilities are situated.

"§ 5037. State control of operations

"Except as otherwise specifically provided, nothing in this subchapter shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any State home for which facilities are constructed with assistance received under this subchapter."

(b) The analysis of chapter 81 of title 38, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER III—STATE HOME FACILITIES FOR FURNISHING NURSING HOME CARE

"5031. Definitions.

"5032. Declaration of purpose.

"5033. Authorization of appropriations.

"5034. General regulations.

"5035. Applications with respect to projects; Payments.

"5036. Recapture provisions.

"5037. State control of operations."

72 Stat. 1107.

(c) Paragraph (19) of section 101 of title 38, United States Code, is amended by adding at the end thereof the following: "Such term also includes such a home which furnishes nursing home care for veterans of any war."

"Nursing home care."

(d) Section 101 of title 38, United States Code, is amended by adding at the end thereof the following new paragraph:

"(28) The term 'nursing home care' means the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing care and related medical services, if such nursing care and medical services are prescribed by, or are performed under the general direction of, persons duly licensed to provide such care. The term includes intensive care where the nursing service is under the supervision of a registered professional nurse."

Discontinuance
of allowance.
76 Stat. 441.

SEC. 5. (a) Section 3203(f) of title 38, United States Code, is amended to read as follows:

72 Stat. 936;
76 Stat. 441.

"(f) Where any veteran in receipt of an aid and attendance allowance described in section 314(r) of this title is hospitalized at Government expense, such allowance shall be discontinued from the first day of the second calendar month which begins after the date of his admission for such hospitalization for so long as such hospitalization continues. Any discontinuance required by administrative regulation, during hospitalization of a veteran by the Veterans' Administration, of increased pension based on need of regular aid and attendance or additional compensation based on need of regular aid and attendance as described in subsection (l) or (m) of section 314 of this title, shall not be effective earlier than the first day of the second calendar month which begins after the date of the veteran's admission for hospitalization. In case a veteran affected by this subsection leaves a hospital against medical advice and is thereafter admitted to hospitalization, such allowance, increased pension, or additional compensation, as the case may be, shall be discontinued from the date of such readmission for so long as such hospitalization continues."

(b) The amendment made by this section shall apply only with respect to compensation or pension based upon need of regular aid and attendance in the case of veterans admitted for hospitalization on or after the first day of the second calendar month which begins after the date of enactment of this Act.

Equipment.
73 Stat. 435.

SEC. 6. (a) Section 617 of title 38, United States Code, is amended by inserting "(a)" immediately before "The Administrator" and by adding at the end thereof the following new subsection:

"(b) The Administrator may furnish any type of therapeutic or rehabilitative device, as well as other medical equipment and supplies (excluding medicines), if medically indicated, to any veteran who is eligible to receive an invalid lift under subsection (a) of this section, or who would be so eligible, but for the fact that he has such a lift."

(b) The analysis of chapter 17 of title 38, United States Code, is amended by striking out

"617. Invalid lift for pensioners."

and inserting in lieu thereof the following:

"617. Invalid lifts and other devices for pensioners."

(c) The heading of section 617 of title 38, United States Code, is amended to read as follows:

"§ 617. Invalid lifts and other devices for pensioners".

Additional medical treatment.
72 Stat. 1142.
38 USC 501-562.

SEC. 7. Section 612 of title 38, United States Code, is amended by adding at the end thereof the following:

"(g) Where any veteran is in receipt of pension under chapter 15 of this title based on the need of regular aid and attendance or of an

aid and attendance allowance received under section 314 or 334 of this title, or who, but for the receipt of retired pay, would be in receipt of such pension or such an allowance, and—

“(1) has received care for not less than one year under paragraph (2) of subsection (f) of this section; and

“(2) is suffering from (A) cardiovascular-renal disease, including hypertension, (B) endocrinopathies, (C) diabetes mellitus, (D) cancer, (E) a neuropsychiatric disorder, or (F) tuberculosis; then the Administrator may furnish the veteran such further care as is reasonably necessary for such disease or disorder.”

Approved August 19, 1964.

72 Stat. 1120,
1123.

Public Law 88-451

AN ACT

To amend the Alaska Omnibus Act to provide assistance to the State of Alaska for the reconstruction of areas damaged by the earthquake of March 1964 and subsequent seismic waves, and for other purposes.

August 19, 1964
[S. 2881]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “1964 Amendments to the Alaska Omnibus Act”.

SEC. 2. The Congress hereby recognizes that the State of Alaska has experienced extensive property loss and damage as a result of the earthquake of March 27, 1964, and subsequent seismic waves, and declares the need for special measures designed to aid and accelerate the State's efforts in providing for the reconstruction of the areas in the State devastated by this natural disaster.

SEC. 3. Section 21 of the Alaska Omnibus Act (73 Stat. 145) is amended by adding a new subsection (f) to read as follows:

“(f) Notwithstanding the limitation contained in subsection (f) of section 120 of title 23, United States Code, the Secretary of Commerce is authorized to make expenditures from the emergency fund under section 125 of such title for the repair or reconstruction of highways on the Federal-aid highway systems of Alaska which have been damaged or destroyed by the 1964 earthquake and subsequent seismic waves, in accordance with the Federal share payable under subsection (a) of section 120 of such title. The increase in expenditures resulting from the difference between the Federal share authorized by this subsection and that authorized by subsection (f) of section 120 of such title shall be reimbursed to the emergency fund by an appropriation from the general fund of the Treasury: *Provided*, That such increase in expenditures shall not exceed \$15,000,000 in the aggregate.”

SEC. 4. The Alaska Omnibus Act (73 Stat. 141) is amended by adding the following new sections at the end of section 50 thereof:

“NEW FEDERAL LOAN ADJUSTMENTS

“SEC. 51. (a) The Secretary of Agriculture is authorized to compromise or release such portion of a borrower's indebtedness under programs administered by the Farmers Home Administration in Alaska as he finds necessary because of loss resulting from the 1964 earthquake and subsequent seismic waves, and he may refinance outstanding indebtedness of applicants in Alaska for loans under section 502 of the Housing Act of 1949 for the repair, reconstruction, or replacement of dwellings or farm buildings lost, destroyed, or damaged by such causes and securing such outstanding indebtedness. Such loans may also provide for the purchase of building sites, when the original sites cannot be utilized.

1964 Amend-
ments to the
Alaska Omnibus
Act.
Earthquake
damage.

48 USC prec.
25 note.

73 Stat. 613.

73 Stat. 612.

72 Stat. 898.

Indebtedness,
release.

63 Stat. 433.
42 USC 1472.

“(b) The Secretary of Agriculture is authorized to compromise or release such portion of a borrower’s indebtedness under programs administered by the Rural Electrification Administration in Alaska as he finds necessary because of loss, destruction, or damage of property resulting from the 1964 earthquake and subsequent seismic waves.

“SEC. 52. The Housing and Home Finance Administrator is authorized to compromise or release such portion of any note or other obligation held by him with respect to property in Alaska pursuant to title II of the Housing Amendments of 1955 or included within the revolving fund for liquidating programs established by the Independent Offices Appropriation Act of 1955, as he finds necessary because of loss, destruction, or damage to facilities securing such obligations by the 1964 earthquake and subsequent seismic waves.

69 Stat. 642;
70 Stat. 1114;
75 Stat. 175.
42 USC 1491-
1497.
68 Stat. 272.

“URBAN RENEWAL

Grants, author-
ization.

“SEC. 53. The Housing and Home Finance Administrator is authorized to enter into contracts for grants not exceeding \$25,000,000 for urban renewal projects in Alaska, including open land projects, under section 111 of the Housing Act of 1949, which he determines will aid the communities in which they are located in reconstruction and redevelopment made necessary by the 1964 earthquake and subsequent seismic waves. Such authorization shall be in addition to and separate from any grant authorization contained in section 103(b) of said Act.

70 Stat. 1101.
42 USC 1462.

63 Stat. 416;
75 Stat. 166.
42 USC 1453.

“The Administrator may increase the capital grant for a project assisted under this section to not more than 90 per centum of net project cost where he determines that a major portion of the project area has either been rendered unusable as a result of the 1964 earthquake and subsequent seismic waves or is needed in order adequately to provide, in accordance with the urban renewal plan for the project, new locations for persons, businesses, and facilities displaced by the earthquake.”

“EXTENSION OF TERM OF HOME DISASTER LOANS

“SEC. 54. Loans made pursuant to paragraph (1) of section 7(b) of the Small Business Act (72 Stat. 387), as amended (15 U.S.C. 636(b)), for the purpose of replacing, reconstructing, or repairing dwellings in Alaska damaged or destroyed by the 1964 earthquake and subsequent seismic waves, may have a maturity of up to thirty years: *Provided*, That the provisions of section 7(c) of said Act shall not be applicable to such loans.

“MODIFICATION OF CIVIL WORKS PROJECTS

“SEC. 55. The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized to make such modifications to previously authorized civil works projects in Alaska adversely affected by the 1964 earthquake and subsequent seismic waves as he finds necessary to meet changed conditions and to provide for current and reasonably prospective requirements of the communities they serve, at an estimated cost of \$10,000,000.

“PURCHASE OF ALASKA STATE BONDS

“SEC. 56. The Housing and Home Finance Administrator is authorized to purchase, in accordance with the provisions of sections 202(b), 203, and 204 of title II of the Housing Amendments of 1955, the securities and obligations of, or make loans to, the State of Alaska to finance any part of the programs needed to carry out the reconstruc-

69 Stat. 643.
42 USC 1492-
1494.

tion activities in Alaska related to the 1964 earthquake and subsequent seismic waves or to complete capital improvements begun prior to the earthquake: *Provided*, That the aggregate amount of such purchase or loan shall not exceed \$25,000,000.

"RETIREMENT OR ADJUSTMENT OF OUTSTANDING MORTGAGE OBLIGATION

"SEC. 57. For the purpose of enabling the State of Alaska to retire or adjust outstanding home mortgage obligations or other real property liens secured by one to four family homes which were severely damaged or destroyed in the March 1964 earthquake and subsequent seismic waves, the President is authorized to make additional grants to the State of Alaska in an amount not to exceed a total of \$5,500,000 to match, on a fifty-fifty basis, any funds provided by the State to pay the costs of retiring or adjusting such mortgage obligations. In order to be approved, a State application for a grant for carrying out the purpose of this section must: (1) be in accordance with a plan submitted by the State, to be approved by the President, for the implementation of the purpose of this section; (2) designate the State agency for retiring or adjusting said mortgage obligations; (3) provide that the mortgagor shall be required to absorb the damage loss to the entire extent of his equity interest in the property and also agree to pay at least \$1,000 of the outstanding mortgage balance; (4) provide that no payments for retiring or adjusting mortgage obligations on a single property shall exceed \$30,000; (5) provide regulations to assure equitable treatment among home owners and to prevent unjustified payments or gains to the State, mortgagees or mortgagors; and (6) provide that the State agency will make such reports, in such form and containing such information as the President may from time to time require, and give the President, upon demand, access to the records on which such reports are based."

Report to President.

APPROPRIATION AUTHORIZATION

SEC. 5. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, which shall be available for obligation until June 30, 1967. There is also authorized to be appropriated such sums as may be necessary for the expenses of such advisory commissions or committees as the President may establish in connection with the reconstruction and development planning of the State of Alaska. The total amount authorized to be appropriated pursuant to this section shall not exceed \$55,650,000.

TERMINATION DATE

SEC. 6. The authority contained in this Act shall expire on June 30, 1967, except that such expiration shall not affect the payment of expenditures for any obligation or commitment entered into under this Act prior to June 30, 1967.

REPORTING

SEC. 7. The President shall report semiannually during the term of this Act to the President of the Senate and the Speaker of the House on the actions taken under this Act by the various Federal agencies. The first such report shall be submitted not later than February 1, 1965, and shall cover the period ending December 31, 1964.

Report to Congress.

Approved August 19, 1964.

Public Law 88-452

August 20, 1964
[S. 2642]

AN ACT

To mobilize the human and financial resources of the Nation to combat poverty in the United States.

Economic Opportunity Act of 1964.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Opportunity Act of 1964".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. Although the economic well-being and prosperity of the United States have progressed to a level surpassing any achieved in world history, and although these benefits are widely shared throughout the Nation, poverty continues to be the lot of a substantial number of our people. The United States can achieve its full economic and social potential as a nation only if every individual has the opportunity to contribute to the full extent of his capabilities and to participate in the workings of our society. It is, therefore, the policy of the United States to eliminate the paradox of poverty in the midst of plenty in this Nation by opening to everyone the opportunity for education and training, the opportunity to work, and the opportunity to live in decency and dignity. It is the purpose of this Act to strengthen, supplement, and coordinate efforts in furtherance of that policy.

TITLE I—YOUTH PROGRAMS

PART A—JOB CORPS

STATEMENT OF PURPOSE

SEC. 101. The purpose of this part is to prepare for the responsibilities of citizenship and to increase the employability of young men and young women aged sixteen through twenty-one by providing them in rural and urban residential centers with education, vocational training, useful work experience, including work directed toward the conservation of natural resources, and other appropriate activities.

ESTABLISHMENT OF JOB CORPS

SEC. 102. In order to carry out the purposes of this part, there is hereby established within the Office of Economic Opportunity (hereinafter referred to as the "Office"), established by title VI, a Job Corps (hereinafter referred to as the "Corps").

JOB CORPS PROGRAM

SEC. 103. The Director of the Office (hereinafter referred to as the "Director") is authorized to—

Conservation camps.

(a) enter into agreements with any Federal, State, or local agency or private organization for the establishment and operation, in rural and urban areas, of conservation camps and training centers and for the provision of such facilities and services as in his judgment are needed to carry out the purposes of this part, including but not limited to agreements with agencies charged with the responsibility of conserving, developing, and managing the public natural resources of the Nation and of developing, managing, and protecting public recreational areas, whereby the enrollees of the Corps may be utilized by such agencies in carrying out, under the immediate supervision of such agencies, programs

planned and designed by such agencies to fulfill such responsibility, and including agreements for a botanical survey program involving surveys and maps of existing vegetation and investigations of the plants, soils, and environments of natural and disturbed plant communities;

(b) arrange for the provision of education and vocational training of enrollees in the Corps: *Provided*, That, where practicable, such programs may be provided through local public educational agencies or by private vocational educational institutions or technical institutes where such institutions or institutes can provide substantially equivalent training with reduced Federal expenditures;

Education and vocational training.

(c) provide or arrange for the provision of programs of useful work experience and other appropriate activities for enrollees;

Work experience.

(d) establish standards of safety and health for enrollees, and furnish or arrange for the furnishing of health services; and

Health services.

(e) prescribe such rules and regulations and make such arrangements as he deems necessary to provide for the selection of enrollees and to govern their conduct after enrollment, including appropriate regulations as to the circumstances under which enrollment may be terminated.

Selection of enrollees.

COMPOSITION OF THE CORPS

SEC. 104. (a) The Corps shall be composed of young men and young women who are permanent residents of the United States, who have attained age sixteen but have not attained age twenty-two at the time of enrollment, and who meet the standards for enrollment prescribed by the Director. Participation in the Corps shall not relieve any enrollee of obligations under the Universal Military Training and Service Act (50 U.S.C. App. 451 et seq.).

Eligibility.

(b) In order to enroll as a member of the Corps, an individual must agree to comply with rules and regulations promulgated by the Director for the government of the Corps.

62 Stat. 604;
65 Stat. 75.

(c) The total enrollment of any individual in the Corps shall not exceed two years except as the Director may determine in special cases.

(d) Each enrollee must execute and file with the Director an affidavit that he does not believe in, and is not a member of and does not support any organization that believes in or teaches, the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods, and (2) each enrollee must take and subscribe to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies foreign and domestic." The provisions of section 1001 of title 18, United States Code, shall be applicable with respect to such affidavits.

Affidavit.

Loyalty oath.

62 Stat. 749.

ALLOWANCE AND MAINTENANCE

SEC. 105. (a) Enrollees may be provided with such living, travel, and leave allowances, and such quarters, subsistence, transportation, equipment, clothing, recreational services, medical, dental, hospital, and other health services, and other expenses as the Director may deem necessary or appropriate for their needs. Transportation and travel allowances may also be provided, in such circumstances as the Director may determine, for applicants for enrollment to or from places of enrollment, and for former enrollees from places of termination to their homes.

Termination of
enrollment.
Readjustment
allowance.

Post, p. 532.

64 Stat. 395.

(b) Upon termination of his or her enrollment in the Corps, each enrollee shall be entitled to receive a readjustment allowance at a rate not to exceed \$50 for each month of satisfactory participation therein as determined by the Director: *Provided, however*, That under such circumstances as the Director may determine a portion of the readjustment allowance of an enrollee not exceeding \$25 for each month of satisfactory service may be paid during the period of service of the enrollee directly to a member of his or her family (as defined in section 609(c)) and any sum so paid shall be supplemented by the payment of an equal amount by the Director. In the event of the enrollee's death during the period of his or her service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 1 of the Act of August 3, 1950 (5 U.S.C. 61f).

APPLICATION OF PROVISIONS OF FEDERAL LAW

Federal employ-
ment laws, non-
applicability.

68A Stat. 3.
53 Stat. 1362.

SEC. 106. (a) Except as otherwise specifically provided in this part, an enrollee shall be deemed not to be a Federal employee and shall not be subject to the provisions of laws relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) Enrollees shall be deemed to be employees of the United States for the purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and of title II of the Social Security Act (42 U.S.C. 401 et seq.), and any service performed by an individual as an enrollee shall be deemed for such purposes to be performed in the employ of the United States.

(c) (1) Enrollees under this part shall, for the purposes of the administration of the Federal Employees' Compensation Act (5 U.S.C. 751 et seq.), be deemed to be civil employees of the United States within the meaning of the term "employee" as defined in section 40 of such Act (5 U.S.C. 790) and the provisions thereof shall apply except as hereinafter provided.

(2) For purposes of this subsection:

(A) The term "performance of duty" in the Federal Employees' Compensation Act shall not include any act of an enrollee—

(i) while on authorized leave or pass; or

(ii) while absent from his or her assigned post of duty, except while participating in an activity authorized by or under the direction or supervision of the Corps.

(B) In computing compensation benefits for disability or death under the Federal Employees' Compensation Act, the monthly pay of an enrollee shall be deemed to be \$150, except that with respect to compensation for disability accruing after the individual concerned reaches the age of twenty-one, such monthly pay shall be deemed to be that received under the entrance salary for GS-2 under the Classification Act of 1949 (5 U.S.C. 1071 et seq.), and section 6(d) (1) of the former Act (5 U.S.C. 756(d) (1)) shall apply to enrollees.

(C) Compensation for disability shall not begin to accrue until the day following the date on which the enrollment of the injured enrollee is terminated.

(d) An enrollee shall be deemed to be an employee of the Government for the purposes of the Federal tort claims provisions of title 28, United States Code.

(e) Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Director for the support of the Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade therein.

39 Stat. 742;
63 Stat. 854;
74 Stat. 906.

Ante, p. 400.
63 Stat. 859.

28 USC 2671-
2680.

POLITICAL DISCRIMINATION AND POLITICAL ACTIVITY

SEC. 107. (a) No officer or employee of the executive branch of the Federal Government shall make any inquiry concerning the political affiliation or beliefs of any enrollee or applicant for enrollment in the Corps. All disclosures concerning such matters shall be ignored, except as to such membership in political parties or organizations as constitutes by law a disqualification for Government employment. No discrimination shall be exercised, threatened or promised by any person in the executive branch of the Federal Government against or in favor of any enrollee in the Corps, or any applicant for enrollment in the Corps because of his political affiliation or beliefs, except as may be specifically authorized or required by law.

(b) No officer, employee or enrollee of the Corps shall take any active part in political management or in political campaigns, except as may be provided by or pursuant to statute, and no such officer, employee or enrollee shall use his official position or influence for the purpose of interfering with an election or affecting the result thereof. All such persons shall retain the right to vote as they may choose and to express, in their private capacities, their opinions on all political subjects and candidates. Any officer, employee, enrollee or Federal employee who solicits funds for political purposes from members of the Corps, shall be in violation of the Corrupt Practices Act.

(c) Whenever the United States Civil Service Commission finds that any person has violated the foregoing provisions, it shall, after giving due notice and opportunity for explanation to the officer or employee or enrollee concerned, certify the facts to the Director with specific instructions as to discipline or dismissal or other corrective actions.

43 Stat. 1070.
2 USC 256.
Corrective
actions.

STATE-OPERATED YOUTH CAMPS

SEC. 108. The Director is authorized to enter into agreements with States to assist in the operation or administration of State-operated programs which carry out the purpose of this part. The Director may, pursuant to such regulations as he may adopt, pay part or all of the operative or administrative costs of such programs.

Agreements with
States.

REQUIREMENT FOR STATE APPROVAL OF CONSERVATION CAMPS AND
TRAINING CENTERS

SEC. 109. In carrying out the provisions of part A of this title no conservation camp, training center or other similar facility designed to carry out the purposes of this Act, shall be established within a State unless a plan setting forth such proposed establishment has been submitted to the Governor of the State and such plan has not been disapproved by him within thirty days of such submission.

Submission of
plans.

SEC. 110. Within the Job Corps there is authorized a Youth Conservation Corps in which at any one time no less than 40 per centum of the enrollees under this part shall be assigned to camps where their work activity is directed primarily toward conserving, developing, and managing the public natural resources of the Nation, and developing, managing, and protecting public recreational areas. Such work activity shall be performed under the direction of members of agencies charged with the responsibility of conserving, developing, and managing the public natural resources and of developing, managing, and protecting public recreational areas.

Youth Conserva-
tion Corps.

PART B—WORK-TRAINING PROGRAMS

STATEMENT OF PURPOSE

Unemployed youth, work experience opportunities.

SEC. 111. The purpose of this part is to provide useful work experience opportunities for unemployed young men and young women, through participation in State and community work-training programs, so that their employability may be increased or their education resumed or continued and so that public agencies and private nonprofit organizations (other than political parties) will be enabled to carry out programs which will permit or contribute to an undertaking or service in the public interest that would not otherwise be provided, or will contribute to the conservation and development of natural resources and recreational areas.

DEVELOPMENT OF PROGRAMS

Cooperation with States.

SEC. 112. In order to carry out the purposes of this part, the Director shall assist and cooperate with State and local agencies and private nonprofit organizations (other than political parties) in developing programs for the employment of young people in State and community activities hereinafter authorized, which, whenever appropriate, shall be coordinated with programs of training and education provided by local public educational agencies.

FINANCIAL ASSISTANCE

Federal payments.

SEC. 113. (a) The Director is authorized to enter into agreements providing for the payment by him of part or all of the cost of a State or local program submitted hereunder if he determines, in accordance with such regulations as he may prescribe, that—

Conditions.

(1) enrollees in the program will be employed either (A) on publicly owned and operated facilities or projects, or (B) on local projects sponsored by private nonprofit organizations (other than political parties), other than projects involving the construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place for religious worship;

(2) the program will increase the employability of the enrollees by providing work experience and training in occupational skills or pursuits in classifications in which the Director finds there is a reasonable expectation of employment, or will enable student enrollees to resume or to maintain school attendance;

(3) the program will permit or contribute to an undertaking or service in the public interest that would not otherwise be provided, or will contribute to the conservation, development, or management of the natural resources of the State or community or to the development, management, or protection of State or community recreational areas;

(4) the program will not result in the displacement of employed workers or impair existing contracts for services;

(5) the rates of pay and other conditions of employment will be appropriate and reasonable in the light of such factors as the type of work performed, geographical region, and proficiency of the employee;

(6) to the maximum extent feasible, the program will be coordinated with vocational training and educational services adapted to the special needs of enrollees in such program and sponsored by State or local public educational agencies: *Provided, however,* That where such services are inadequate or unavailable,

the program may make provision for the enlargement, improvement, development, and coordination of such services with the cooperation of, or where appropriate pursuant to agreement with, the Secretary of Health, Education, and Welfare; and

(7) the program includes standards and procedures for the selection of applicants, including provisions assuring full coordination and cooperation with local and other authorities to encourage students to resume or maintain school attendance.

(b) In approving projects under this part, the Director shall give priority to projects with high training potential.

ENROLLEES IN PROGRAM

SEC. 114. (a) Participation in programs under this part shall be limited to young men and women who are permanent residents of the United States, who have attained age sixteen but have not attained age twenty-two, and whose participation in such programs will be consistent with the purposes of this part.

Eligibility.

(b) Enrollees shall be deemed not to be Federal employees and shall not be subject to the provisions of laws relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

Federal employment laws, non-applicability.

(c) Where appropriate to carry out the purposes of this Act, the Director may provide for testing, counseling, job development, and referral services to youths through public agencies or private nonprofit organizations.

Testing, counseling, etc.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 115. Federal assistance to any program pursuant to this part paid for the period ending two years after the date of enactment of this Act, or June 30, 1966, whichever is later, shall not exceed 90 per centum of the costs of such program, including costs of administration, and such assistance paid for periods thereafter shall not exceed 50 per centum of such costs, unless the Director determines, pursuant to regulations adopted and promulgated by him establishing objective criteria for such determinations, that assistance in excess of such percentages is required in furtherance of the purposes of this part. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 116. The Director shall establish criteria designed to achieve an equitable distribution of assistance under this part among the States. In developing such criteria, he shall consider among other relevant factors the ratios of population, unemployment, and family income levels. Not more than 12½ per centum of the sums appropriated or allocated for any fiscal year to carry out the purposes of this part shall be used within any one State.

PART C—WORK-STUDY PROGRAMS

STATEMENT OF PURPOSE

SEC. 121. The purpose of this part is to stimulate and promote the part-time employment of students in institutions of higher education who are from low-income families and are in need of the earnings from such employment to pursue courses of study at such institutions.

Students, part-time employment.

ALLOTMENTS TO STATES

SEC. 122. (a) From the sums appropriated to carry out this title for a fiscal year, the Director shall reserve the amount needed for making grants under section 123. Not to exceed 2 per centum of the amount so reserved shall be allotted by the Director among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands according to their respective needs for assistance under this part. The remainder of the sums so reserved shall be allotted among the States as provided in subsection (b).

(b) Of the sums being allotted under this subsection—

(1) one-third shall be allotted by the Director among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of persons enrolled on a full-time basis in institutions of higher education in such State bears to the total number of persons enrolled on a full-time basis in institutions of higher education in all the States,

(2) one-third shall be allotted by the Director among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of high school graduates (as defined in section 103(d)(3) of the Higher Education Facilities Act of 1963) of such State bears to the total number of such high school graduates of all the States, and

(3) one-third shall be allotted by him among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of related children under eighteen years of age living in families with annual incomes of less than \$3,000 in such State bears to the number of related children under eighteen years of age living in families with annual incomes of less than \$3,000 in all the States.

77 Stat. 366.
20 USC 713.

Reallotment.

(c) The amount of any State's allotment which has not been granted to an institution of higher education under section 123 at the end of the fiscal year for which appropriated shall be reallotted by the Director, in such manner as he determines will best assist in achieving the purposes of this Act. Amounts reallotted under this subsection shall be available for making grants under section 123 until the close of the fiscal year next succeeding the fiscal year for which appropriated.

"State."

(d) For purposes of this section, the term "State" does not include Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

GRANTS FOR WORK-STUDY PROGRAMS

SEC. 123. The Director is authorized to enter into agreements with institutions of higher education (as defined by section 401(f) of the Higher Education Facilities Act of 1963 (P.L. 88-204)) under which the Director will make grants to such institutions to assist in the operation of work-study programs as hereinafter provided.

77 Stat. 376.
20 USC 751.

CONDITIONS OF AGREEMENTS

SEC. 124. An agreement entered into pursuant to section 123 shall—

(a) provide for the operation by the institution of a program for the part-time employment of its students in work—

(1) for the institution itself, or

(2) for a public or private nonprofit organization when

Type of employment.

the position is obtained through an arrangement between the institution and such an organization and—

(A) the work is related to the student's educational objective, or

(B) such work (i) will be in the public interest and is work which would not otherwise be provided, (ii) will not result in the displacement of employed workers or impair existing contracts for services, and (iii) will be governed by such conditions of employment as will be appropriate and reasonable in light of such factors as the type of work performed, geographical region, and proficiency of the employee:

Provided, however, That no such work shall involve the construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place for religious worship;

(b) provide that funds granted an institution of higher education, pursuant to section 123 may be used only to make payments to students participating in work-study programs, except that an institution may use a portion of the sums granted to it to meet administrative expenses, but the amount so used may not exceed 5 per centum of the payments made by the Director to such institution for that part of the work-study program in which students are working for public or nonprofit organizations other than the institution itself;

Use of funds.

(c) provide that employment under such work-study program shall be furnished only to a student who (1) is from a low-income family, (2) is in need of the earnings from such employment in order to pursue a course of study at such institution, (3) is capable, in the opinion of the institution, of maintaining good standing in such course of study while employed under the program covered by the agreement, and (4) has been accepted for enrollment as a full-time student at the institution or, in the case of a student already enrolled in and attending the institution, is in good standing and in full-time attendance there either as an undergraduate, graduate, or professional student;

Selection of students.

(d) provide that no student shall be employed under such work-study program for more than fifteen hours in any week in which classes in which he is enrolled are in session;

Hours of work.

(e) provide that in each fiscal year during which the agreement remains in effect, the institution shall expend (from sources other than payments under this part) for the employment of its students (whether or not in employment eligible for assistance under this part) an amount that is not less than its average annual expenditure for such employment during the three fiscal years preceding the fiscal year in which the agreement is entered into;

Additional expenditures.

(f) provide that the Federal share of the compensation of students employed in the work-study program in accordance with the agreement will not exceed 90 per centum of such compensation for work performed during the period ending two years after the date of enactment of this Act, or June 30, 1966, whichever is later, and 75 per centum thereafter;

Federal share of payments.

(g) include provisions designed to make employment under such work-study program, or equivalent employment offered or arranged for by the institution, reasonably available (to the extent of available funds) to all eligible students in the institution in need thereof; and

Availability of benefits.

(h) include such other provisions as the Director shall deem necessary or appropriate to carry out the purposes of this part.

SOURCES OF MATCHING FUNDS

SEC. 125. Nothing in this part shall be construed as restricting the source (other than this part) from which the institution may pay its share of the compensation of a student employed under a work-study program covered by an agreement under this part.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 126. The Director shall establish criteria designed to achieve such distribution of assistance under this part among institutions of higher education within a State as will most effectively carry out the purposes of this Act.

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 131. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, 1965, and the two succeeding fiscal years. For the purpose of carrying out this title, there is hereby authorized to be appropriated the sum of \$412,500,000 for the fiscal year ending June 30, 1965; and for the fiscal year ending June 30, 1966, and the fiscal year ending June 30, 1967, such sums may be appropriated as the Congress may hereafter authorize by law.

TITLE II—URBAN AND RURAL COMMUNITY ACTION PROGRAMS

PART A—GENERAL COMMUNITY ACTION PROGRAMS

STATEMENT OF PURPOSE

SEC. 201. The purpose of this part is to provide stimulation and incentive for urban and rural communities to mobilize their resources to combat poverty through community action programs.

COMMUNITY ACTION PROGRAMS

Definition.

SEC. 202. (a) The term "community action program" means a program—

(1) which mobilizes and utilizes resources, public or private, of any urban or rural, or combined urban and rural, geographical area (referred to in this part as a "community"), including but not limited to a State, metropolitan area, county, city, town, multicounty unit, or multicounty unit in an attack on poverty;

(2) which provides services, assistance, and other activities of sufficient scope and size to give promise of progress toward elimination of poverty or a cause or causes of poverty through developing employment opportunities, improving human performance, motivation, and productivity, or bettering the conditions under which people live, learn, and work;

(3) which is developed, conducted, and administered with the maximum feasible participation of residents of the areas and members of the groups served; and

(4) which is conducted, administered, or coordinated by a public or private nonprofit agency (other than a political party), or a combination thereof.

(b) The Director is authorized to prescribe such additional criteria for programs carried on under this part as he shall deem appropriate.

ALLOTMENTS TO STATES

SEC. 203. (a) From the sums appropriated to carry out this title for a fiscal year, the Director shall reserve the amount needed for carrying out sections 204 and 205. Not to exceed 2 per centum of the amount so reserved shall be allotted by the Director among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands according to their respective needs for assistance under this part. Twenty per centum of the amount so reserved shall be allotted among the States as the Director shall determine. The remainder of the sums so reserved shall be allotted among the States as provided in subsection (b).

(b) Of the sums being allotted under this subsection—

(1) one-third shall be allotted by the Director among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of public assistance recipients in such State bears to the total number of public assistance recipients in all the States;

(2) one-third shall be allotted by him among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the annual average number of persons unemployed in such State bears to the annual average number of persons unemployed in all the States; and

(3) the remaining one-third shall be allotted by him among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of related children under 18 years of age living in families with incomes of less than \$1,000 in such State bears to the number of related children under 18 years of age living in families with incomes of less than \$1,000 in all the States.

(c) The portion of any State's allotment under subsection (a) for a fiscal year which the Director determines will not be required for such fiscal year for carrying out this part shall be available for reallocation from time to time, on such dates during such year as the Director may fix, to other States in proportion to their original allotments for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Director estimates such State needs and will be able to use for such year for carrying out this part; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts are not so reduced. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

Reallotment.

(d) For the purposes of this section, the term "State" does not include Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

"State."

FINANCIAL ASSISTANCE FOR DEVELOPMENT OF COMMUNITY ACTION PROGRAMS

SEC. 204. The Director is authorized to make grants to, or to contract with, appropriate public or private nonprofit agencies, or combinations thereof, to pay part or all of the costs of development of community action programs.

FINANCIAL ASSISTANCE FOR CONDUCT AND ADMINISTRATION OF COMMUNITY ACTION PROGRAMS

SEC. 205. (a) The Director is authorized to make grants to, or to contract with, public or private nonprofit agencies, or combinations thereof, to pay part or all of the costs of community action programs which have been approved by him pursuant to this part, including the cost of carrying out programs which are components of a community action program and which are designed to achieve the purposes of this part. Such component programs shall be focused upon the needs of low-income individuals and families and shall provide expanded and improved services, assistance, and other activities, and facilities necessary in connection therewith. Such programs shall be conducted in those fields which fall within the purposes of this part including employment, job training and counseling, health, vocational rehabilitation, housing, home management, welfare, and special remedial and other noncurricular educational assistance for the benefit of low-income individuals and families.

Restriction.

(b) No grant or contract authorized under this part may provide for general aid to elementary or secondary education in any school or school system.

Factors determining assistance eligibility.

(c) In determining whether to extend assistance under this section the Director shall consider among other relevant factors the incidence of poverty within the community and within the areas or groups to be affected by the specific program or programs, and the extent to which the applicant is in a position to utilize efficiently and expeditiously the assistance for which application is made. In determining the incidence of poverty the Director shall consider information available with respect to such factors as: the concentration of low-income families, particularly those with children; the extent of persistent unemployment and underemployment; the number and proportion of persons receiving cash or other assistance on a needs basis from public agencies or private organizations; the number of migrant or transient low-income families; school dropout rates, military service rejection rates, and other evidences of low educational attainment; the incidence of disease, disability, and infant mortality; housing conditions; adequacy of community facilities and services; and the incidence of crime and juvenile delinquency.

(d) In extending assistance under this section the Director shall give special consideration to programs which give promise of effecting a permanent increase in the capacity of individuals, groups, and communities to deal with their problems without further assistance.

TECHNICAL ASSISTANCE

SEC. 206. The Director is authorized to provide, either directly or through grants or other arrangements, (1) technical assistance to communities in developing, conducting, and administering community action programs, and (2) training for specialized personnel needed to develop, conduct, or administer such programs or to provide services or other assistance thereunder.

RESEARCH, TRAINING, AND DEMONSTRATIONS

SEC. 207. The Director is authorized to conduct, or to make grants to or enter into contracts with institutions of higher education or other appropriate public agencies or private organizations for the conduct of, research, training, and demonstrations pertaining to the purposes

of this part. Expenditures under this section in any fiscal year shall not exceed 15 per centum of the sums appropriated or allocated for such year to carry out the purposes of this part.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 208. (a) Assistance pursuant to sections 204 and 205 paid for the period ending two years after the date of enactment of this Act, or June 30, 1966, whichever is later, shall not exceed 90 per centum of the costs referred to in those sections, respectively, and thereafter shall not exceed 50 per centum of such costs, unless the Director determines, pursuant to regulations adopted and promulgated by him establishing objective criteria for such determinations, that assistance in excess of such percentages is required in furtherance of the purposes of this part. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

(b) The expenditures or contributions made from non-Federal sources for a community action program or component thereof shall be in addition to the aggregate expenditures or contributions from non-Federal sources which were being made for similar purposes prior to the extension of Federal assistance.

Non-Federal
contributions.

PARTICIPATION OF STATE AGENCIES

SEC. 209. (a) The Director shall establish procedures which will facilitate effective participation of the States in community action programs.

(b) The Director is authorized to make grants to, or to contract with, appropriate State agencies for the payment of the expenses of such agencies in providing technical assistance to communities in developing, conducting, and administering community action programs.

Grant or con-
tract authority.

(c) In carrying out the provisions of title I and title II of this Act, no contract, agreement, grant, loan, or other assistance shall be made with, or provided to, any State or local public agency or any private institution or organization for the purpose of carrying out any program, project, or other activity within a State unless a plan setting forth such proposed contract, agreement, grant, loan, or other assistance has been submitted to the Governor of the State, and such plan has not been disapproved by him within thirty days of such submission: *Provided, however,* That this section shall not apply to contracts, agreements, grants, loans, or other assistance to any institution of higher education in existence on the date of the approval of this Act.

Submission of
plans.

(d) No private institution or organization shall be eligible for participation under this part unless it (1) is itself an institution or organization which has, prior to its consideration for such participation, had a concern with problems of poverty, or (2) is sponsored by one or more such institutions or organizations or by a public agency, or (3) is an institution of higher education (as defined by section 401(f) of the Higher Education Facilities Act of 1963).

Private insti-
tutions.

77 Stat. 376.
20 USC 751.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 210. The Director shall establish criteria designed to achieve an equitable distribution of assistance under this part within the States between urban and rural areas. In developing such criteria, he shall consider the relative numbers in the States or areas therein of: (1) low-income families, particularly those with children; (2) unemployed persons; (3) persons receiving cash or other assistance on a needs basis from public agencies or private organizations;

(4) school dropouts; (5) adults with less than an eighth-grade education; (6) persons rejected for military service; and (7) persons living in urban places compared to the number living in rural places as determined by the Bureau of the Census for the 1960 census.

PREFERENCE FOR COMPONENTS OF APPROVED PROGRAMS

SEC. 211. In determining whether to extend assistance under this Act, the Director shall, to the extent feasible, give preference to programs and projects which are components of a community action program approved pursuant to this part.

PART B—ADULT BASIC EDUCATION PROGRAMS

DECLARATION OF PURPOSE

SEC. 212. It is the purpose of this part to initiate programs of instruction for individuals who have attained age eighteen and whose inability to read and write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, so as to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment, and making them better able to meet their adult responsibilities.

GRANTS TO STATES

SEC. 213. (a) From the sums appropriated to carry out this title, the Director shall make grants to States which have State plans approved by him under this section.

Use of funds.

(b) Grants under subsection (a) may be used, in accordance with regulations of the Director, to—

(1) assist in establishment of pilot projects by local educational agencies, relating to instruction in public schools, or other facilities used for the purpose by such agencies, of individuals described in section 212, to (A) demonstrate, test, or develop modifications, or adaptations in the light of local needs, of special materials or methods for instruction of such individuals, (B) stimulate the development of local educational agency programs for instruction of such individuals in such schools or other facilities, and (C) acquire additional information concerning the materials or methods needed for an effective program for raising adult basic educational skills;

(2) assist in meeting the cost of local educational agency programs for instruction of such individuals in such schools or other facilities; and

(3) assist in development or improvement of technical or supervisory services by the State educational agency relating to adult basic education programs.

STATE PLANS

Conditions for approval.

SEC. 214. (a) The Director shall approve for purposes of this part the plan of a State which—

(1) provides for administration thereof by the State educational agency;

Reports.

(2) provides that such agency will make such reports to the Director, in such form and containing such information, as may

reasonably be necessary to enable the Director to perform his duties under this part and will keep such records and afford such access thereto as the Director finds necessary to assure the correctness and verification of such reports;

(3) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this part (including such funds paid by the State to local educational agencies);

Accounting procedures.

(4) provides for cooperative arrangements between the State educational agency and the State health authority looking toward provision of such health information and services for individuals described in section 212 as may be available from such agencies and as may reasonably be necessary to enable them to benefit from the instruction provided under programs conducted pursuant to grants under this part; and

Health services.

(5) sets forth a program for use, in accordance with section 213(b), of grants under this part which affords assurance of substantial progress, within a reasonable period and with respect to all segments of the population and all areas of the State, toward elimination of the inability of adults to read and write English and toward substantially raising the level of education of individuals described in section 212.

Programs to eliminate illiteracy.

(b) The Director shall not finally disapprove any State plan submitted under this part, or any modification thereof, without first affording the State educational agency reasonable notice and opportunity for a hearing.

Hearing opportunity.

ALLOTMENTS

SEC. 215. (a) From the sums allocated for grants to States under section 213 for any fiscal year, the Director shall reserve such amount, but not in excess of 2 per centum thereof, as he may determine, and shall allot such amount among Puerto Rico, Guam, American Samoa, and the Virgin Islands according to their respective needs for assistance under this part. The remainder of the sums so allocated for a fiscal year shall be allotted by the Director on the basis of the relative number of individuals in each State who have attained age eighteen and who have completed not more than five grades of school or have not achieved an equivalent level of education, as determined by the Director on the basis of the best and most recent information available to him, including any relevant data furnished to him by the Department of Commerce. The amount allotted to any State under the preceding sentence for any fiscal year which is less than \$50,000 shall be increased to that amount, the total thereby required being derived by proportionately reducing the amount allotted to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than \$50,000. For the purposes of this subsection, the term "State" shall not include Puerto Rico, Guam, American Samoa, and the Virgin Islands.

"State."

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Director determines will not be required, for the period such allotment is available, for carrying out the State plan (if any) approved under this part shall be available for reallocation from time to time, on such dates during such period as the Director may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Director estimates such State needs

Reallocation.

and will be able to use for such period for carrying out its State plan approved under this part; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts are not so reduced. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

(c) The allotment of any State under subsection (a) for the fiscal year ending June 30, 1965, shall, except to the extent reallocated under subsection (b), remain available until June 30, 1966, for obligation by such State for carrying out its State plan approved under this part.

PAYMENTS

Federal share.

SEC. 216. (a) From a State's allotment available for the purpose, the Federal share of expenditures, under its State plan, for the purposes set forth in section 213(b) shall be paid to such State. Such payments shall be made in advance on the basis of estimates by the Director; and may be made in such installments as the Director may determine, after making appropriate adjustments to take account of previously made overpayments or underpayments; except that no such payments shall be made for any fiscal year unless the Director finds that the amount available for expenditures for adult basic educational programs and services from State sources for such year will be not less than the amount expended for such purposes from such sources during the preceding fiscal year.

(b) For the fiscal year ending June 30, 1965, and the fiscal year ending June 30, 1966, the Federal share for each State shall be 90 per centum. For the succeeding fiscal year the Federal share for any State shall be 50 per centum.

OPERATION OF STATE PLANS; HEARINGS AND JUDICIAL REVIEW

Noncompliance,
termination of
payments.

SEC. 217. (a) Whenever the Director, after reasonable notice and opportunity for hearing to the State educational agency administering a State plan approved under this part, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of section 214, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision,

the Director shall notify such State agency that no further payments will be made to the State under this part (or in his discretion, that further payments to the State will be limited to programs under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this part (or payments shall be limited to programs under or portions of the State plan not affected by such failure).

Appeal procedure.

(b) A State educational agency dissatisfied with a final action of the Director under section 214 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Director, or any officer designated by him for that purpose. The Director thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Director or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the

Director may modify or set aside his order. The findings of the Director as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Director to take further evidence, and the Director may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Director shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Director's action.

62 Stat. 928.

MISCELLANEOUS

SEC. 218. For purposes of this part—

(1) the term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if different, the agency or officer primarily responsible for supervision of adult basic education in public schools, whichever may be designated by the Governor or by State law, or, if there is no such agency or officer, an agency or officer designated by the Governor or by State law;

"State educational agency."

(2) the term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, except that if there is a separate board or other legally constituted local authority having administrative control and direction of adult basic education in public schools therein, it means such other board or authority.

"Local educational agency."

PART C—VOLUNTARY ASSISTANCE PROGRAM FOR NEEDY CHILDREN

STATEMENT OF PURPOSE

SEC. 219. The purpose of this part is to allow individual Americans to participate in a personal way in the war on poverty, by voluntarily assisting in the support of one or more needy children, in a program coordinated with city or county social welfare agencies.

AUTHORITY TO ESTABLISH INFORMATION CENTER

SEC. 220. (a) In order to carry out the purposes of this part, the Director is authorized to establish a section within the Office of Economic Opportunity to act as an information and coordination center to encourage voluntary assistance for deserving and needy children. Such section shall collect the names of persons who voluntarily desire to assist financially such children and shall secure from city or county social welfare agencies such information concerning deserving and needy children as the Director shall deem appropriate.

(b) It is the intent of the Congress that the section established pursuant to this part shall act solely as an information and coordination center and that nothing in this part shall be construed as interfering with the jurisdiction of State and local welfare agencies with respect to programs for needy children.

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 221. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, 1965, and the two succeeding fiscal years. For the purpose of carrying out this title, there is hereby authorized to be appropriated the sum of \$340,000,000 for the fiscal year ending June 30, 1965; and for the fiscal year ending June 30, 1966, and the fiscal year ending June 30, 1967, such sums may be appropriated as the Congress may hereafter authorize by law.

TITLE III—SPECIAL PROGRAMS TO COMBAT POVERTY
IN RURAL AREAS

STATEMENT OF PURPOSE

SEC. 301. It is the purpose of this title to meet some of the special problems of rural poverty and thereby to raise and maintain the income and living standards of low-income rural families and migrant agricultural employees and their families.

PART A—AUTHORITY TO MAKE GRANTS AND LOANS

SEC. 302. (a) The Director is authorized to make—

(1) loans having a maximum maturity of 15 years and in amounts not exceeding \$2,500 in the aggregate to any low income rural family where, in the judgment of the Director, such loans have a reasonable possibility of effecting a permanent increase in the income of such families by assisting or permitting them to—

(A) acquire or improve real estate or reduce encumbrances or erect improvements thereon,

(B) operate or improve the operation of farms not larger than family sized, including but not limited to the purchase of feed, seed, fertilizer, livestock, poultry, and equipment, or

(C) participate in cooperative associations; and/or to finance nonagricultural enterprises which will enable such families to supplement their income.

(b) Loans under this section shall be made only if the family is not qualified to obtain such funds by loan under other Federal programs.

COOPERATIVE ASSOCIATIONS

SEC. 303. The Director is authorized to make loans to local cooperative associations furnishing essential processing, purchasing, or marketing services, supplies, or facilities predominantly to low-income rural families.

LIMITATIONS ON ASSISTANCE

SEC. 304. No financial or other assistance shall be provided under this part unless the Director determines that—

(a) the providing of such assistance will materially further the purposes of this part, and

(b) in the case of assistance provided pursuant to section 303, the applicant is fulfilling or will fulfill a need for services, facilities, or activities which is not otherwise being met.

LOAN TERMS AND CONDITIONS

SEC. 305. Loans pursuant to sections 302 and 303 shall have such terms and conditions as the Director shall determine, subject to the following limitations:

- (a) there is reasonable assurance of repayment of the loan;
- (b) the credit is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs;
- (c) the amount of the loan, together with other funds available, is adequate to assure completion of the project or achievement of the purposes for which the loan is made;
- (d) the loan bears interest at a rate not less than (1) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (2) such additional charge, if any, toward covering other costs of the program as the Director may determine to be consistent with its purposes;
- (e) with respect to loans made pursuant to section 303, the loan is repayable within not more than thirty years; and
- (f) no financial or other assistance shall be provided under this part to or in connection with any corporation or cooperative organization for the production of agricultural commodities or for manufacturing purposes.

PART B—ASSISTANCE FOR MIGRANT, AND OTHER SEASONALLY EMPLOYED, AGRICULTURAL EMPLOYEES AND THEIR FAMILIES

SEC. 311. The Director shall develop and implement as soon as practicable a program to assist the States, political subdivisions of States, public and nonprofit agencies, institutions, organizations, farm associations, or individuals in establishing and operating programs of assistance for migrant, and other seasonally employed, agricultural employees and their families which programs shall be limited to housing, sanitation, education, and day care of children. Institutions, organizations, farm associations, or individuals shall be limited to direct loans.

PART C—AUTHORIZATION OF APPROPRIATIONS

SEC. 321. The Director shall carry out the program provided for in this title during the fiscal year ending June 30, 1965, and the two succeeding fiscal years. For the purpose of carrying out this title, there is hereby authorized to be appropriated the sum of \$35,000,000 for the fiscal year ending June 30, 1965; and for the fiscal year ending June 30, 1966, and for the fiscal year ending June 30, 1967, such sums may be appropriated as the Congress may hereafter authorize by law. Not to exceed \$15,000,000 of the funds appropriated under other titles of this Act for the fiscal year ending June 30, 1965, may also be utilized for the purposes of part B of this title.

PART D—INDEMNITY PAYMENTS TO DAIRY FARMERS

SEC. 331. (a) The Secretary of Agriculture is authorized to make indemnity payments, at a fair market value, to dairy farmers who have been directed since January 1, 1964, to remove their milk from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government at the time of such use. Such indemnity payments shall continue to each dairy farmer until he has been reinstated and is again allowed to dispose of his milk on commercial markets.

(b) There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

(c) The authority granted under this section shall expire on January 31, 1965.

TITLE IV—EMPLOYMENT AND INVESTMENT INCENTIVES

STATEMENT OF PURPOSE

Small business
concerns, assist-
ance.

SEC. 401. It is the purpose of this title to assist in the establishment, preservation, and strengthening of small business concerns and improve the managerial skills employed in such enterprises; and to mobilize for these objectives private as well as public managerial skills and resources.

LOANS, PARTICIPATIONS, AND GUARANTIES

72 Stat. 384.

SEC. 402. The Director is authorized to make, participate (on an immediate basis) in, or guarantee loans, repayable in not more than fifteen years, to any small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632) and regulations issued thereunder), or to any qualified person seeking to establish such a concern, when he determines that such loans will assist in carrying out the purposes of this title, with particular emphasis on employment of the long-term unemployed: *Provided, however,* That no such loans shall be made, participated in, or guaranteed if the total of such Federal assistance to a single borrower outstanding at any one time would exceed \$25,000. The Director may defer payments on the principal of such loans for a grace period and use such other methods as he deems necessary and appropriate to assure the successful establishment and operation of such concern. The Director may, in his discretion, as a condition of such financial assistance, require that the borrower take steps to improve his management skills by participating in a management training program approved by the Director. The Director shall encourage, as far as possible, the participation of the private business community in the program of assistance to such concerns.

COORDINATION WITH COMMUNITY ACTION PROGRAMS

SEC. 403. No financial assistance shall be provided under section 402 in any community for which the Director has approved a community action program pursuant to title II of this Act unless such financial assistance is determined by him to be consistent with such program.

FINANCING UNDER SMALL BUSINESS ACT

76 Stat. 220.

72 Stat. 387;
75 Stat. 167.
Ante, p. 7.

SEC. 404. Such lending and guaranty functions under this title as may be delegated to the Small Business Administration may be financed with funds appropriated to the revolving fund established by section 4(c) of the Small Business Act (15 U.S.C. 633(c)) for the purposes of sections 7(a), 7(b), and 8(a) of that Act (15 U.S.C. 636(a), 636(b), 637(a)).

LOAN TERMS AND CONDITIONS

SEC. 405. Loans made pursuant to section 402 (including immediate participation in and guaranties of such loans) shall have such terms and conditions as the Director shall determine, subject to the following limitations—

- (a) there is reasonable assurance of repayment of the loan;
- (b) the financial assistance is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs;

(c) the amount of the loan, together with other funds available, is adequate to assure completion of the project or achievement of the purposes for which the loan is made;

(d) the loan bears interest at a rate not less than (1) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (2) such additional charge, if any, toward covering other costs of the program as the Director may determine to be consistent with its purposes: *Provided, however*, That the rate of interest charged on loans made in redevelopment areas designated under the Area Redevelopment Act (42 U.S.C. 2501 et seq.) shall not exceed the rate currently applicable to new loans made under section 6 of that Act (42 U.S.C. 2505); and

75 Stat. 47.

(e) fees not in excess of amounts necessary to cover administrative expenses and probable losses may be required on loan guaranties.

LIMITATION ON FINANCIAL ASSISTANCE

SEC. 406. No financial assistance shall be extended pursuant to this title where the Director determines that the assistance will be used in relocating establishments from one area to another or in financing subcontractors to enable them to undertake work theretofore performed in another area by other subcontractors or contractors.

DURATION OF PROGRAM

SEC. 407. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, 1965, and the two succeeding fiscal years.

TITLE V—WORK EXPERIENCE PROGRAMS

STATEMENT OF PURPOSE

SEC. 501. It is the purpose of this title to expand the opportunities for constructive work experience and other needed training available to persons who are unable to support or care for themselves or their families. In carrying out this purpose, the Director shall make maximum use of the programs available under the Manpower Development and Training Act of 1962, as amended, and Vocational Education Act of 1963.

76 Stat. 23.
42 USC 2571
note.

77 Stat. 403.
20 USC 35 note.

PAYMENTS FOR EXPERIMENTAL, PILOT, AND DEMONSTRATION PROJECTS

SEC. 502. In order to stimulate the adoption of programs designed to help unemployed fathers and other needy persons to secure and retain employment or to attain or retain capability for self-support or personal independence, the Director is authorized to transfer funds appropriated or allocated to carry out the purposes of this title to the Secretary of Health, Education, and Welfare to enable him to make payments for experimental, pilot, or demonstration projects under section 1115 of the Social Security Act (42 U.S.C. 1315), subject to the limitations contained in section 409(a) (1) to (6), inclusive, of such Act (42 U.S.C. 609(a) (1)–(6)), in addition to the sums otherwise available pursuant thereto. The costs of such projects to the United States for the fiscal year ending June 30, 1965, shall, notwithstanding the provisions of such Act, be met entirely from funds appropriated or allocated to carry out the purposes of this title.

76 Stat. 192.

76 Stat. 186.

AUTHORIZATION OF APPROPRIATIONS

SEC. 503. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, 1965, and the two succeeding fiscal years. For the purpose of carrying out this title, there is hereby authorized to be appropriated the sum of \$150,000,000 for the fiscal year ending June 30, 1965; and for the fiscal year ending June 30, 1966, and the fiscal year ending June 30, 1967, such sums may be appropriated as the Congress may hereafter authorize by law.

TITLE VI—ADMINISTRATION AND COORDINATION

PART A—ADMINISTRATION

OFFICE OF ECONOMIC OPPORTUNITY

Establishment.
Appointment of
Directors.

SEC. 601. (a) There is hereby established in the Executive Office of the President the Office of Economic Opportunity. The Office shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. There shall also be in the Office one Deputy Director and three Assistant Directors who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director and the Assistant Directors shall perform such functions as the Director may from time to time prescribe.

Transfer au-
thority.
63 Stat. 205.
Ante, p. 240.

(b) Notwithstanding the provisions of section 5(b) of the Reorganization Act of 1949 (5 U.S.C. 133z-3(b)), at any time after one year from the date of enactment hereof the President may, by complying with the procedures established by that Act, provide for the transfer of the Office from the Executive Office of the President and for its establishment elsewhere in the executive branch as he deems appropriate.

Compensation.

Ante, p. 416.

(c) The compensation of the Director of the Office of Economic Opportunity shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Director of the Bureau of the Budget.

Ante, p. 417.

(d) The compensation of the Deputy Director of the Office of Economic Opportunity shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Bureau of the Budget.

Ante, p. 418.

(e) The compensation of the Assistant Directors of the Office of Economic Opportunity shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Assistant Secretaries of the Executive Departments.

AUTHORITY OF DIRECTOR

SEC. 602. In addition to the authority conferred upon him by other sections of this Act, the Director is authorized, in carrying out his functions under this Act, to—

Ante, p. 400.

(a) appoint in accordance with the civil service laws such personnel as may be necessary to enable the Office to carry out its functions, and, except as otherwise provided herein, fix their compensation in accordance with the Classification Act of 1949 (5 U.S.C. 1071 et seq.);

60 Stat. 810.

(b) employ experts and consultants or organizations thereof as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), compensate individuals so employed at rates not in excess of \$100 per diem, including travel time, and allow

them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5 of such Act (5 U.S.C. 73b-2) for persons in the Government service employed intermittently, while so employed: *Provided, however,* That contracts for such employment may be renewed annually;

60 Stat. 808;
75 Stat. 339, 340.

(c) appoint, without regard to the civil service laws, one or more advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act; and members of such committees (including the National Advisory Council established in section 605), other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Director, shall be entitled to receive compensation and travel expenses as provided in subsection (b) with respect to experts and consultants;

(d) with the approval of the President, arrange with and reimburse the heads of other Federal agencies for the performance of any of his functions under this Act and, as necessary or appropriate, delegate any of his powers under this Act and authorize the redelegation thereof;

(e) utilize, with their consent, the services and facilities of Federal agencies without reimbursement, and, with the consent of any State or a political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement;

(f) accept in the name of the Office, and employ or dispose of in furtherance of the purposes of this Act, or of any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise;

(g) accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b));

(h) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act as he deems necessary to carry out the provisions hereof, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditure for construction, repairs, and capital improvements;

70A Stat. 269.

(i) disseminate, without regard to the provisions of section 4154 of title 39, United States Code, data and information, in such form as he shall deem appropriate, to public agencies, private organizations, and the general public;

74 Stat. 661.

(j) adopt an official seal, which shall be judicially noticed;

(k) notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real or personal property by the United States, deal with, complete, rent, renovate, modernize, or sell for cash or credit at his discretion any properties acquired by him in connection with loans, participations, and guaranties made by him pursuant to titles III and IV of this Act;

(l) collect or compromise all obligations to or held by him and all legal or equitable rights accruing to him in connection with the payment of obligations until such time as such obligations may be referred to the Attorney General for suit or collection;

(m) expend, without regard to the provisions of any other law or regulation, funds made available for purposes of this Act (1) for printing and binding, and (2) for rent of buildings and space

in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him; but the Director shall not utilize the authority contained in this clause (A) except when necessary in order to obtain an item, service, or facility, which is required in the proper administration of this Act, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which, it is needed, and (B) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) or the Chairman of the Joint Committee on Printing (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of such Committee) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority; and

(n) establish such policies, standards, criteria, and procedures, prescribe such rules and regulations, enter into such contracts and agreements with public agencies and private organizations and persons, make such payments (in lump sum or installments, and in advance or by way of reimbursement, and in the case of grants, with necessary adjustments on account of overpayments or underpayments), and generally perform such functions and take such steps as he may deem to be necessary or appropriate to carry out the provisions of this Act.

VOLUNTEERS IN SERVICE TO AMERICA

Recruitment and
assignment.

SEC. 603. (a) The Director is authorized to recruit, select, train, and—

(1) upon request of State or local agencies or private nonprofit organizations, refer volunteers to perform duties in furtherance of programs combating poverty at a State or local level; and

(2) in cooperation with other Federal, State, or local agencies involved, assign volunteers to work (A) in meeting the health, education, welfare, or related needs of Indians living on reservations, of migratory workers and their families, or of residents of the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands; (B) in the care and rehabilitation of the mentally ill or mentally retarded under treatment at nonprofit mental health or mental retardation facilities assisted in their construction or operation by Federal funds; and (C) in furtherance of programs or activities authorized or supported under title I or II of this Act.

(b) The referral or assignment of volunteers shall be on such terms and conditions as the Director may determine, but volunteers shall not be referred or assigned to duties or work in any State without the consent of the Governor.

Pay and allow-
ances.

(c) The Director is authorized to provide to all volunteers during training and to volunteers assigned pursuant to subsection (a) (2) such stipend, not to exceed \$50 per month, such living, travel, and leave allowances, and such housing, transportation (including travel to and from the place of training), supplies, equipment, subsistence, clothing, and health and dental care as the Director may deem necessary or appropriate for their needs.

(d) Volunteers shall be deemed not to be Federal employees and shall not be subject to the provisions of laws relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that all volunteers during training and such volunteers as are assigned pursuant to subsection (a) (2) shall be deemed Federal employees to the same extent as enrollees of the Corps under section 106 (b), (c), and (d) of this Act.

Federal employ-
ment laws, non-
applicability.

ECONOMIC OPPORTUNITY COUNCIL

SEC. 604. (a) There is hereby established an Economic Opportunity Council, which shall consult with and advise the Director in carrying out his functions, including the coordination of antipoverty efforts by all segments of the Federal Government.

Establishment.

(b) The Council shall include the Director, who shall be Chairman, the Secretary of Defense, the Attorney General, the Secretaries of the Interior, Agriculture, Commerce, Labor, and Health, Education, and Welfare, the Housing and Home Finance Administrator, the Administrator of the Small Business Administration, the Chairman of the Council of Economic Advisers, the Director of Selective Service, and such other agency heads as the President may designate, or delegates thereof.

Members.

NATIONAL ADVISORY COUNCIL

SEC. 605. There is hereby established in the Office a National Advisory Council. The Council shall be composed of the Director, who shall be Chairman, and not more than fourteen additional members appointed by the President, without regard to the civil service laws, who shall be representative of the public in general and appropriate fields of endeavor related to the purposes of this Act. Upon the request of the Director, the Council shall review the operations and activities of the Office, and shall make such recommendations with respect thereto as are appropriate. The Council shall meet at least once each year and at such other times as the Director may request.

Establishment.

REVOLVING FUND

SEC. 606. (a) To carry out the lending and guaranty functions authorized under titles III and IV of this Act, there is authorized to be established a revolving fund. The capital of the fund shall consist of such amounts as may be advanced to it by the Director from funds appropriated pursuant to section 321 and shall remain available until expended.

(b) The Director shall pay into miscellaneous receipts of the Treasury, at the close of each fiscal year, interest on the capital of the fund at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity during the last month of the preceding fiscal year. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest.

(c) Whenever any capital in the fund is determined by the Director to be in excess of current needs, such capital shall be credited to the appropriation from which advanced, where it shall be held for future advances.

(d) Receipts from any lending and guaranty operations under this Act (except operations under title IV carried on by the Small Business Administration) shall be credited to the fund. The fund shall

be available for the payment of all expenditures of the Director for loans, participations, and guaranties authorized under titles III and IV of this Act.

LABOR STANDARDS

SEC. 607. All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating of projects, buildings and works which are federally assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133—133z-15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

49 Stat. 1011;
Ante, p. 238.

5 USC 133z-15
note.

63 Stat. 108.
40 USC 276c.

REPORTS

SEC. 608. Not later than one hundred and twenty days after the close of each fiscal year, the Director shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities of the Office during such year.

DEFINITIONS

SEC. 609. As used in this Act:

(a) The term "State" means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, or the Virgin Islands, and for purposes of title I and part A of title II such term includes the Trust Territory of the Pacific Islands; and the term "United States", when used in a geographical sense, includes the foregoing and all other places, continental or insular, including the Trust Territory of the Pacific Islands, subject to the jurisdiction of the United States.

(b) The term "agency", unless the context requires otherwise, means department, agency, or other component of a Federal, State, or local governmental entity.

(c) The term "family," in the case of a Job Corps enrollee, means—
(1) the spouse or child of an enrollee, and
(2) any other relative who draws substantial support from the enrollee.

PART B—COORDINATION OF ANTIPOVERTY PROGRAMS

COORDINATION

SEC. 611. (a) In order to insure that all Federal programs related to the purposes of this Act are carried out in a coordinated manner—

(1) the Director is authorized to call upon other Federal agencies to supply such statistical data, program reports, and other materials as he deems necessary to discharge his responsibilities under this Act, and to assist the President in coordinating the antipoverty efforts of all Federal agencies;

(2) Federal agencies which are engaged in administering programs related to the purposes of this Act, or which otherwise perform functions relating thereto, shall—

(A) cooperate with the Director in carrying out his duties and responsibilities under this Act; and

(B) carry out their programs and exercise their functions in such manner as will, to the maximum extent permitted by other applicable law, assist in carrying out the purposes of this Act; and

(3) the President may direct that particular programs and functions, including the expenditure of funds, of the Federal agencies referred to in paragraph (2) shall be carried out, to the extent not inconsistent with other applicable law, in conjunction with or in support of programs authorized under this Act.

(b) In order to insure that all existing Federal agencies are utilized to the maximum extent possible in carrying out the purposes of this Act, no funds appropriated to carry out this Act shall be used to establish any new department or office when the intended function is being performed by an existing department or office.

Establishment of
new office, etc.
Restriction.

PREFERENCE TO COMMUNITY ACTION PROGRAMS

SEC. 612. To the extent feasible and consistent with the provisions of law governing any Federal program and with the purposes of this Act, the head of each Federal agency administering any Federal program is directed to give preference to any application for assistance or benefits which is made pursuant to or in connection with a community action program approved pursuant to title II of this Act.

INFORMATION CENTER

SEC. 613. In order to insure that all Federal programs related to the purposes of this Act are utilized to the maximum extent possible, and to insure that information concerning such programs and other relevant information is readily available in one place to public officials and other interested persons, the Director is authorized as he deems appropriate to collect, prepare, analyze, correlate, and distribute such information, either free of charge or by sale at cost (any funds so received to be deposited to the Director's account as an offset to such cost), and make arrangements and pay for any printing and binding without regard to the provisions of any other law or regulation.

PROHIBITION OF FEDERAL CONTROL

SEC. 614. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

AUTHORIZATION OF APPROPRIATIONS

SEC. 615. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, 1965, and the two succeeding fiscal years. For the purpose of carrying out this title (other than for purposes of making credits to the revolving fund established by section 606(a)), there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1965; and for the fiscal year ending June 30, 1966, and the fiscal year ending June 30, 1967, such sums may be appropriated as the Congress may hereafter authorize by law.

SEC. 616. No part of any funds appropriated or otherwise made available for expenditure under authority of this Act shall be used to make payments to any individual unless such individual has executed

Subversive organ-
ization member-
ship.

and filed with the Director an affidavit that he does not believe in, and is not a member of and does not support any organization that believes in or teaches, the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods.

TITLE VII—TREATMENT OF INCOME FOR CERTAIN PUBLIC ASSISTANCE PURPOSES

PUBLIC ASSISTANCE

42 USC 301-306,
601-609, 1201-
1206, 1351-1355,
1381-1385.

SEC. 701. (a) Notwithstanding the provisions of titles I, IV, X, XIV, and XVI of the Social Security Act, a State plan approved under any such title shall provide that—

(1) the first \$85 plus one-half of the excess over \$85 of payments made to or on behalf of any person for or with respect to any month under title I or II of this Act or any program assisted under such title shall not be regarded (A) as income or resources of such person in determining his need under such approved State plan, or (B) as income or resources of any other individual in determining the need of such other individual under such approved State plan;

(2) no payments made to or on behalf of any person for or with respect to any month under such title or any such program shall be regarded as income or resources of any other individual in determining the need of such other individual under such approved State plan except to the extent made available to or for the benefit of such other individual; and

(3) no grant made to any family under title III of this Act shall be regarded as income or resources of such family in determining the need of any member thereof under such approved State plan.

(b) No funds to which a State is otherwise entitled under title I, IV, X, XIV, or XVI of the Social Security Act for any period before July 1, 1965, shall be withheld by reason of any action taken pursuant to a State statute which prevents such State from complying with the requirements of subsection (a).

Approved August 20, 1964.

Public Law 88-453

AN ACT

August 20, 1964
[H. R. 11562]

To authorize the Secretary of the Interior to sell Enterprise Rancheria numbered 2 to the State of California, and to distribute the proceeds of the sale to Henry B. Martin, Stanley Martin, Ralph G. Martin, and Vera Martin Kiras.

Enterprise
Rancheria.
Sale and conveyance to California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may sell and convey Enterprise Rancheria numbered 2, comprising 40.64 acres of land, more or less, described as lot 3, section 1, township 19 north, range 5 east, Mount Diablo base and meridian, to the State of California for a negotiated price which in the opinion of the Secretary reflects its fair market value, and the proceeds from the sale shall be distributed to Henry B. Martin, Stanley Martin, Ralph G. Martin, and Vera Martin Kiras.

Approved August 20, 1964.

Public Law 88-454

AN ACT

August 20, 1964
[H. R. 10723]

Making appropriations for the Legislative Branch for the fiscal year ending June 30, 1965, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending June 30, 1965, and for other purposes, namely:

Legislative
Branch Appropri-
ation Act, 1965.

SENATE

COMPENSATION OF THE VICE PRESIDENT AND SENATORS, MILEAGE OF THE PRESIDENT OF THE SENATE AND SENATORS, AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND LEADERS OF THE SENATE

COMPENSATION OF THE VICE PRESIDENT AND SENATORS

For compensation of the Vice President and Senators of the United States, \$2,471,140.

MILEAGE OF PRESIDENT OF THE SENATE AND OF SENATORS

For mileage of the President of the Senate and of Senators, \$58,370.

EXPENSE ALLOWANCES OF THE VICE PRESIDENT, AND MAJORITY AND MINORITY LEADERS

For expense allowance of the Vice President, \$10,000; Majority Leader of the Senate, \$2,000; and Minority Leader of the Senate, \$2,000; in all, \$14,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For clerical assistance to the Vice President, at rates of compensation to be fixed by him in basic multiples of \$5 per month, \$136,710.

CHAPLAIN

Chaplain of the Senate, \$9,430.

OFFICE OF THE SECRETARY

For office of the Secretary, \$918,400, including \$128,000 required for the purposes specified and authorized by section 74b of title 2, United States Code: *Provided*, That effective July 1, 1964, the Secretary may employ an assistant at \$2,460 basic per annum, an assistant messenger at \$1,980 basic per annum, an assistant messenger at \$1,740 basic per annum, and an assistant messenger at \$1,500 basic per annum, in lieu of the positions authorized by S. Res. 419, agreed to January 28, 1931, S. Res. 372, agreed to December 18, 1930, S. Res. 340, agreed to December 3, 1930, and S. Res. 204, agreed to June 16, 1938, which

60 Stat. 839.

resolutions are hereby repealed; and the basic amount available for clerical assistance and readjustment of salaries in the disbursing office is increased by \$720.

COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees and the Select Committee on Small Business, \$2,731,965.

CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority, at rates of compensation to be fixed by the chairman of said committee, \$82,740.

For clerical assistance to the Conference of the Minority, at rates of compensation to be fixed by the chairman of said committee, \$82,740.

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For administrative and clerical assistants and messenger service for Senators, \$13,731,170.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For office of Sergeant at Arms and Doorkeeper, \$2,757,350: *Provided*, That effective July 1, 1964, the Sergeant at Arms may employ a messenger at \$1,800 basic per annum, two messengers at \$1,740 basic per annum each, two laborers at \$1,560 basic per annum each, and eight special employees at \$1,000 basic per annum each, in lieu of the positions authorized by S. Res. 428, agreed to February 17, 1931, S. Res. 62, agreed to December 15, 1931, S. Res. 83, agreed to December 17, 1931, S. Res. 453, agreed to February 26, 1931, S. Res. 44, agreed to April 11, 1933, and S. Res. 212, agreed to February 15, 1954, which resolutions are hereby repealed: *Provided further*, That effective July 1, 1964, the Sergeant at Arms may also employ one additional addressograph operator at \$2,160 basic per annum.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND THE MINORITY

For the offices of the Secretary for the Majority and the Secretary for the Minority, \$135,195.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For four clerical assistants, two for the Majority Whip and two for the Minority Whip, at rates of compensation to be fixed in basic multiples of \$60 per annum by the respective Whips, \$15,165 each; in all, \$30,330.

OFFICIAL REPORTERS OF DEBATES

For office of the Official Reporters of Debates, \$240,760.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$252,530.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, \$175,585 for each such committee; in all, \$351,170.

AUTOMOBILES AND MAINTENANCE

For purchase, exchange, driving, maintenance, and operation of four automobiles, one for the Vice President, one for the President Pro Tempore, one for the Majority Leader, and one for the Minority Leader, \$39,840.

FURNITURE

For service and materials in cleaning and repairing furniture, and for the purchase of furniture, \$31,190: *Provided*, That the furniture purchased is not available from other agencies of the Government.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, including \$380,000 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, \$4,275,760.

60 Stat. 831.
2 USC 190b.

FOLDING DOCUMENTS

For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding \$2.03 per hour per person, \$36,700.

MAIL TRANSPORTATION

For maintaining, exchanging, and equipping motor vehicles for carrying the mails and for official use of the offices of the Secretary and Sergeant at Arms, \$16,560.

MISCELLANEOUS ITEMS

For miscellaneous items, exclusive of labor, \$2,660,790, including \$85,000 for payment to the Architect of the Capitol in accordance with section 4 of Public Law 87-82, approved July 6, 1961.

75 Stat. 199.
40 USC 174j-4.

POSTAGE STAMPS

For postage stamps for the Offices of the Secretaries for the Majority and Minority, \$140; and for airmail and special-delivery stamps for Office of the Secretary, \$160; Office of the Sergeant at Arms, \$125; Senators and the President of the Senate, as authorized by law, \$61,610; in all, \$62,035.

STATIONERY (REVOLVING FUND)

For stationery for Senators and the President of the Senate, \$242,400; and for stationery for committees and officers of the Senate, \$13,200; in all, \$255,600, to remain available until expended.

COMMUNICATIONS

77 Stat. 863;
72 Stat. 442.

For an amount for communications which may be expended interchangeably for payment, in accordance with such limitations and restrictions as may be prescribed by the Committee on Rules and Administration, of charges on official telegrams and long-distance telephone calls made by or on behalf of Senators or the President of the Senate, such telephone calls to be in addition to those authorized by the provisions of the Legislative Branch Appropriation Act, 1947 (60 Stat. 392; 2 U.S.C. 46c, 46d, 46e), as amended, and the First Deficiency Appropriation Act, 1949 (63 Stat. 77; 2 U.S.C. 46d-1), \$15,150.

ADMINISTRATIVE PROVISION

69 Stat. 177;
73 Stat. 401.
2 USC 60f
note.

The table contained in section 4(f) of the Federal Employees' Salary Increase Act of 1955 (Public Law 94, Eighty-fourth Congress, approved June 28, 1955), as amended, is amended to read as follows:

States having a population of—	Amount of increase
Less than 3,000,000-----	\$10, 740.
3,000,000 but less than 4,000,000-----	13, 740.
4,000,000 but less than 5,000,000-----	16, 740.
5,000,000 but less than 7,000,000-----	19, 740.
7,000,000 but less than 9,000,000-----	22, 740.
9,000,000 but less than 10,000,000-----	25, 740.
10,000,000 but less than 11,000,000-----	28, 740.
11,000,000 but less than 12,000,000-----	31, 740.
12,000,000 but less than 13,000,000-----	34, 740.
13,000,000 but less than 15,000,000-----	37, 740.
15,000,000 but less than 17,000,000-----	40, 740.
17,000,000 or more-----	43, 740.

HOUSE OF REPRESENTATIVES

SALARIES, MILEAGE FOR THE MEMBERS, AND EXPENSE ALLOWANCE OF THE SPEAKER

COMPENSATION OF MEMBERS

For compensation of Members (wherever used herein the term "Member" shall include Members of the House of Representatives and the Resident Commissioner from Puerto Rico), \$10,622,500.

MILEAGE OF MEMBERS AND EXPENSE ALLOWANCE OF THE SPEAKER

For mileage of Members and expense allowance of the Speaker, as authorized by law, \$200,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers and employees, as authorized by law, as follows:

OFFICE OF THE SPEAKER

For the Office of the Speaker, \$94,875.

OFFICE OF THE PARLIAMENTARIAN

For the Office of the Parliamentarian, \$75,380, including the Parliamentarian and \$2,000 for preparing the Digest of the Rules, as authorized by law.

OFFICE OF THE CHAPLAIN

For the Office of the Chaplain, \$9,430.

OFFICE OF THE CLERK

For the Office of the Clerk, including \$127,330 for the House Recording Studio, \$1,240,000.

COMMITTEE EMPLOYEES

For committee employees, including the Committee on Appropriations, \$3,180,000.

OFFICE OF THE SERGEANT AT ARMS

For the Office of the Sergeant at Arms, including \$8,000 for additional clerical assistants, \$955,000, of which \$294,175 shall be available only upon adoption by the House of House Resolution 648, Eighty-eighth Congress.

OFFICE OF THE DOORKEEPER

For the Office of Doorkeeper, \$1,174,000.

SPECIAL AND MINORITY EMPLOYEES

For six minority employees, \$94,595.

For the office of the majority floor leader, including \$2,000 for official expenses of the majority leader, \$77,760.

For the office of the minority floor leader, including \$2,000 for official expenses of the minority leader, \$60,100.

For the office of the majority whip, including \$8,100 basic lump-sum clerical assistance, \$40,100.

For the office of the minority whip, including \$8,100 basic lump-sum clerical assistance, \$40,100.

For two printing clerks, one for the majority caucus room and one for the minority caucus room, to be appointed by the majority and minority leaders, respectively, \$14,515.

For a technical assistant in the office of the attending physician, to be appointed by the attending physician, subject to the approval of the Speaker, \$12,345.

OFFICE OF THE POSTMASTER

For the Office of the Postmaster, including \$9,700 for employment of substitute messengers, and extra services of regular employees when required at the basic salary rate of not to exceed \$2,100 per annum each, \$380,000.

OFFICIAL REPORTERS OF DEBATES

For official reporters of debates, \$217,120.

OFFICIAL REPORTERS TO COMMITTEES

For official reporters to committees, \$219,345.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with

60 Stat. 834.
2 USC 72a.

section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, \$700,000.

OFFICE OF THE LEGISLATIVE COUNSEL

For salaries and expenses of the Office of the Legislative Counsel of the House, \$252,530.

MEMBERS' CLERK HIRE

For clerk hire, necessarily employed by each Member in the discharge of his official and representative duties, \$21,500,000.

CONTINGENT EXPENSES OF THE HOUSE

FURNITURE

For furniture and materials for repairs of the same, including labor, tools, and machinery for furniture repair shops, and for the purchase of packing boxes, \$340,000.

MISCELLANEOUS ITEMS

54 Stat. 1056.
40 USC 174k.

For miscellaneous items, exclusive of salaries unless specifically ordered by the House of Representatives, including the sum of \$90,000 for payment to the Architect of the Capitol in accordance with section 208 of the Act approved October 9, 1940 (Public Law 812); the exchange, operation, maintenance, and repair of the Clerk's motor vehicles; the exchange, operation, maintenance, and repair of the folding room motortruck; the exchange, maintenance, operation, and repair of the post office motor vehicles for carrying the mails; not to exceed \$5,000 for the purposes authorized by section 1 of House Resolution 348, approved June 29, 1961; the sum of \$600 for hire of automobile for the Sergeant at Arms; materials for folding; and for stationery for the use of committees, departments, and officers of the House; \$3,725,000.

REPORTING HEARINGS

For stenographic reports of hearings of committees other than special and select committees, \$223,000, of which such amount as may be necessary may be transferred to the appropriation under this heading for the fiscal year 1964.

SPECIAL AND SELECT COMMITTEES

For salaries and expenses of special and select committees authorized by the House, \$3,965,500, of which such amount as may be necessary may be transferred to the appropriation under this heading for the fiscal year 1964.

OFFICE OF THE COORDINATOR OF INFORMATION

For salaries and expenses of the Office of the Coordinator of Information, \$117,890.

TELEGRAPH AND TELEPHONE

For telegraph and telephone service, exclusive of personal services, \$2,400,000.

STATIONERY (REVOLVING FUND)

For a stationery allowance for each Member for the first session of the Eighty-ninth Congress, as authorized by law, \$1,046,400, to remain available until expended.

ATTENDING PHYSICIAN'S OFFICE

For medical supplies, equipment, and contingent expenses of the emergency room and for the attending physician and his assistants, including an allowance of \$1,500 to be paid to the attending physician in equal monthly installments as authorized by the Act approved June 27, 1940 (54 Stat. 629), and including an allowance of \$75 per month each to five assistants as provided by the House resolutions adopted July 1, 1930, January 20, 1932, November 18, 1940, and May 21, 1959, and Public Law 242, Eighty-fourth Congress, \$16,545.

69 Stat. 511.

POSTAGE STAMP ALLOWANCES

Postage stamp allowances for the first session of the Eighty-ninth Congress, as follows: Postmaster, \$400; Clerk, \$800; Sergeant at Arms, \$600; Doorkeeper, \$500; airmail and special-delivery postage stamps for each Member, the Speaker, the majority and minority leaders, the majority and minority whips, and to each standing committee, as authorized by law; \$228,550.

FOLDING DOCUMENTS

For folding speeches and pamphlets, at a gross rate not exceeding \$2.72 per thousand or for the employment of personnel at a gross rate not exceeding \$2.04 per hour per person, \$251,300.

REVISION OF LAWS

For preparation and editing of the laws as authorized by 1 U.S.C. 202, 203, 213. \$20,765, to be expended under the direction of the Committee on the Judiciary.

61 Stat. 637, 640.

SPEAKER'S AUTOMOBILE

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the Speaker, \$11,100.

MAJORITY LEADER'S AUTOMOBILE

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the majority leader of the House, \$11,100.

MINORITY LEADER'S AUTOMOBILE

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the minority leader of the House, \$11,100.

NEW EDITION OF THE UNITED STATES CODE

For preparation of a new edition of the United States Code, \$150,000, to be immediately available and to remain available until expended, and to be expended under the direction of the Committee on the Judiciary.

NEW EDITION OF THE DISTRICT OF COLUMBIA CODE

For preparation of a new edition of the District of Columbia Code, \$100,000, to remain available until expended, and to be expended under the direction of the Committee on the Judiciary.

ADMINISTRATIVE PROVISION

Salaries or wages paid out of the items herein for the House of Representatives shall hereafter be computed at basic rates, plus increased and additional compensation, as authorized and provided by law.

JOINT ITEMS

For joint committees, as follows:

JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES

For an amount to enable the Joint Committee on Reduction of Nonessential Federal Expenditures to carry out the duties imposed upon it by section 601 of the Revenue Act of 1941 (55 Stat. 726), to remain available during the existence of the Committee, \$29,750, to be disbursed by the Secretary of the Senate.

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$235,000.

JOINT COMMITTEE ON ATOMIC ENERGY

For salaries and expenses of the Joint Committee on Atomic Energy, \$311,000.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, \$131,000.

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

For salaries and expenses of the Joint Committee on Internal Revenue Taxation, \$344,440.

JOINT COMMITTEE ON IMMIGRATION AND NATIONALITY POLICY

For salaries and expenses of the Joint Committee on Immigration and Nationality Policy, \$20,000.

JOINT COMMITTEE ON DEFENSE PRODUCTION

For salaries and expenses of the Joint Committee on Defense Production as authorized by the Defense Production Act of 1950, as amended, \$65,000.

For other joint items, as follows:

CAPITOL POLICE

GENERAL EXPENSES

For purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two-way police radio equipment; contingent expenses, including \$25 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House, as may be designated by the Chairman of the Board; \$36,700.

CAPITOL POLICE BOARD

To enable the Capitol Police Board to provide additional protection for the Capitol Buildings and Grounds, including the Senate and House Office Buildings and the Capitol Power Plant, \$330,600. Such sum shall be expended only for payment of salaries and other expenses of personnel detailed from the Metropolitan Police of the District of Columbia, and the Commissioners of the District of Columbia are authorized and directed to make such details upon the request of the Board. Personnel so detailed shall, during the period of such detail, serve under the direction and instructions of the Board and are authorized to exercise the same authority as members of such Metropolitan Police and members of the Capitol Police and to perform such other duties as may be assigned by the Board. Reimbursement for salaries and other expenses of such detail personnel shall be made to the government of the District of Columbia, and any sums so reimbursed shall be credited to the appropriation or appropriations from which such salaries and expenses are payable and shall be available for all the purposes thereof: *Provided*, That any person detailed under the authority of this paragraph or under similar authority in the Legislative Branch Appropriation Act, 1942, and the Second Deficiency Appropriation Act, 1940, from the Metropolitan Police of the District of Columbia shall be deemed a member of such Metropolitan Police during the period or periods of any such detail for all purposes of rank, pay, allowances, privileges, and benefits to the same extent as though such detail had not been made, and at the termination thereof any such person who was a member of such police on July 1, 1940, shall have a status with respect to rank, pay, allowances, privileges, and benefits which is not less than the status of such person in such police at the end of such detail: *Provided further* That the Commissioners of the District of Columbia are directed to pay the detective captain detailed under the authority of this paragraph his salary as a detective captain plus \$1,625 and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent and that the Commissioners of the District of Columbia are directed to pay the uniformed lieutenant detailed under the authority of this paragraph and serving as acting captain a salary of the rank of captain and such increases in basic compensation as may be subsequently provided by law and that the Commissioners of the District of Columbia are directed to pay the acting deputy chief of police detailed under the authority of this paragraph the salary of the rank of deputy chief of police plus \$1,625 and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent.

No part of any appropriation contained in this Act shall be paid as compensation to any person appointed after June 30, 1935, as an

Detailed personnel.

Reimbursement to D.C. government.

55 Stat. 456;
60 Stat. 408,
40 USC 213a
and note.
54 Stat. 629.

officer or member of the Capitol Police who does not meet the standards to be prescribed for such appointees by the Capitol Police Board: *Provided*, That the Capitol Police Board is hereby authorized to detail police from the House Office, Senate Office, and Capitol Buildings for police duty on the Capitol Grounds.

EDUCATION OF PAGES

For education of congressional pages and pages of the Supreme Court, pursuant to section 243 of the Legislative Reorganization Act, 1946, \$79,925, which amount shall be advanced and credited to the applicable appropriation of the District of Columbia, and the Board of Education of the District of Columbia is hereby authorized to employ such personnel for the education of pages as may be required and to pay compensation for such services in accordance with such rates of compensation as the Board of Education may prescribe.

60 Stat. 839.
2 USC 88a.

PENALTY MAIL COSTS

For expenses necessary under section 2 of Public Law 286, Eighty-third Congress, \$4,723,000, to be available immediately.

The foregoing amounts under "other joint items" shall be disbursed by the Clerk of the House.

67 Stat. 614;
74 Stat. 663.
39 USC 4167
and note.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the second session of the Eighty-eighth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills as required by law, \$13,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol, Assistant Architect of the Capitol, and Second Assistant Architect of the Capitol, at salary rates of \$20,700, \$19,000, and \$17,500 per annum, respectively, and other personal services at rates of pay provided by law, \$507,800: *Provided*, That wherever H.R. 11049, 88th Congress, as enacted into law establishes a specific rate of compensation for any position different from the rate specifically enumerated in this Act for such position, the rate in said H.R. 11049 shall prevail.

Ante, p. 400.

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of \$20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies and to meet unforeseen expenses in connection with activities under his care, \$50,000.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special and protective clothing for workmen; uniforms or allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); personal and other services; cleaning and repairing works of art, without regard to section 3709 of the Revised Statutes, as amended; purchase or exchange, maintenance and operation of a passenger motor vehicle; purchase of necessary reference books and periodicals; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, \$1,624,300: *Provided*, That the unobligated balance of the appropriation under this head for the fiscal year 1964 is hereby continued available until June 30, 1965.

68 Stat. 1114.

41 USC 5.

77 Stat. 812.

EXTENSION OF THE CAPITOL

For an additional amount for "Extension of the Capitol", \$125,000.

CAPITOL GROUNDS

For care and improvement of grounds surrounding the Capitol, the Senate and House Office Buildings, and the Capitol Power Plant; personal and other services; care of trees; planting; fertilizers; repairs to pavements, walks, and roadways; waterproof wearing apparel; maintenance of signal lights; and for snow removal by hire of men and equipment or under contract without regard to section 3709 of the Revised Statutes, as amended; \$740,000.

LEGISLATIVE GARAGE

For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, \$52,000.

The second proviso under the caption "Capitol garages" contained in Public Law 212, 72d Congress, approved June 30, 1932 (47 Stat. 391) is hereby amended to read as follows: "*Provided further*, That, effective July 1, 1965, the underground space in the north extension of the Capitol Grounds, known as the Legislative Garage shall hereafter be known as the Senate Garage and shall be under the jurisdiction and control of the Architect of the Capitol, subject to such regulations respecting the use thereof as may be promulgated by the Senate Committee on Rules and Administration: *Provided further*, That such regulations shall provide for the continued assignment of space and the continued furnishing of service in such garage for official motor vehicles of the House and the Senate and the Architect of the Capitol and Capitol Grounds maintenance equipment."

40 USC 185a.

SENATE OFFICE BUILDINGS

For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel, and for personal and other services; including eight attendants

68 Stat. 1114.

at \$1,800 each; for the care and operation of the Senate Office Buildings, including the subway and subway transportation systems connecting the Senate Office Buildings with the Capitol; uniforms or allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); to be expended under the control and supervision of the Architect of the Capitol; in all, \$2,414,500: *Provided*, That the unobligated balance of the appropriation under this head for the fiscal year 1964 is hereby continued available until June 30, 1965.

HOUSE OFFICE BUILDINGS

41 USC 5.

For maintenance, including equipment; waterproof wearing apparel; uniforms or allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes, as amended; miscellaneous items; and for all necessary services; \$3,230,000.

ACQUISITION OF PROPERTY, CONSTRUCTION, AND EQUIPMENT, ADDITIONAL HOUSE OFFICE BUILDING

40 USC 175
note.

To enable the Architect of the Capitol, under the direction of the House Office Building Commission, to continue to provide for the acquisition of property, construction, furnishing and equipment of an additional fireproof office building for the use of the House of Representatives, and other changes and improvements, authorized by the Additional House Office Building Act of 1955 (69 Stat. 41, 42), as amended, \$8,000,000.

CAPITOL POWER PLANT

For lighting, heating, and power (including the purchase of electrical energy) for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and the grounds about the same, Botanic Garden, legislative garage, and for air-conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office, Washington City Post Office, and Folger Shakespeare Library, reimbursement for which shall be made and covered into the Treasury; personal and other services, fuel, oil, materials, waterproof wearing apparel, and all other necessary expenses in connection with the maintenance and operation of the plant; \$2,665,000.

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

77 Stat. 814.

For necessary expenditures for mechanical and structural maintenance, including improvements, equipment, supplies, waterproof wearing apparel, and personal and other services, \$2,382,200, of which not to exceed \$20,000 shall be available for expenditure without regard to section 3709 of the Revised Statutes, as amended, and of which \$1,180,000 shall remain available until expended: *Provided*, That the unobligated balance of the appropriation under this head for the fiscal year 1964 is hereby continued available until June 30, 1965.

FURNITURE AND FURNISHINGS

For furniture, partitions, screens, shelving, and electrical work pertaining thereto and repairs thereof, office and library equipment, apparatus, and labor-saving devices, \$220,000.

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses incident to maintaining, operating, repairing, and improving the Botanic Garden and the nurseries, buildings, grounds, collections, and equipment pertaining thereto, including personal services; waterproof wearing apparel; not to exceed \$25 for emergency medical supplies; traveling expenses, including bus fares, not to exceed \$275; the prevention and eradication of insect and other pests and plant diseases by purchase of materials and procurement of personal services by contract without regard to the provisions of any other Act; purchase and exchange of motor trucks; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; purchase of botanical books, periodicals, and books of reference, not to exceed \$100; all under the direction of the Joint Committee on the Library; \$500,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody, care, and maintenance of the Library Buildings; special clothing; purchase of a medium sedan for replacement at not to exceed \$4,000; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$10,626,000, together with \$168,000 to be derived by transfer from the appropriation "Salaries and expenses, National Science Foundation", of which \$18,000 shall be retransferred to the appropriation "Distribution of catalog cards, salaries and expenses."

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, \$1,828,000.

LEGISLATIVE REFERENCE SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 166), \$2,245,000: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration.

60 Stat. 836.

DISTRIBUTION OF CATALOG CARDS

SALARIES AND EXPENSES

For necessary expenses for the preparation and distribution of catalog cards and other publications of the Library, \$3,554,800.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses, Distribution of Catalog Cards", \$149,000, to remain available until June 30, 1965.

BOOKS FOR THE GENERAL COLLECTIONS

For necessary expenses (except personal services) for acquisition of books, periodicals, and newspapers, and all other material for the increase of the Library, \$670,000, to remain available until expended.

BOOKS FOR THE LAW LIBRARY

For necessary expenses (except personal services) for acquisition of books, legal periodicals, and all other material for the increase of the law library, \$110,000, to remain available until expended.

BOOKS FOR THE BLIND

SALARIES AND EXPENSES

46 Stat. 1487;
71 Stat. 630.

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931 (2 U.S.C. 135a), as amended, \$2,446,000.

ORGANIZING AND MICROFILMING THE PAPERS OF THE PRESIDENTS

SALARIES AND EXPENSES

75 Stat. 544.
2 USC 131
note.

For necessary expenses to carry out the provisions of the Act of August 16, 1957 (71 Stat. 368), \$112,800, to remain available until expended.

PRESERVATION OF MOTION PICTURES

For expenses necessary for the conversion of motion pictures now in the custody of the Library from nitrate film to safety base film, \$50,000.

COLLECTION AND DISTRIBUTION OF LIBRARY MATERIALS (SPECIAL FOREIGN CURRENCY PROGRAM)

72 Stat. 1790.

For necessary expenses for carrying out the provisions of section 104(n) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(n)), to remain available until expended, \$1,541,500, of which \$1,417,000 shall be available for payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States: *Provided*, That this appropriation shall be available to reimburse the Department of State for medical services rendered to employees of the Library of Congress stationed abroad.

ADMINISTRATIVE PROVISIONS

60 Stat. 810.

Appropriations in this Act available to the Library of Congress for salaries shall be available for expenses of investigating the loyalty of Library employees; special and temporary services (including employees engaged by the day or hour or in piecework); and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

Not to exceed ten positions in the Library of Congress may be exempt from the provisions of appropriation Acts concerning the employment of aliens during the current fiscal year, but the Librarian

shall not make any appointment to any such position until he has ascertained that he cannot secure for such appointments a person in any of the categories specified in such provisions who possesses the special qualifications for the particular position and also otherwise meets the general requirements for employment in the Library of Congress.

GOVERNMENT PRINTING OFFICE

PRINTING AND BINDING

For authorized printing and binding for the Congress; for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 182); printing, binding, and distribution of the Federal Register (including the Code of Federal Regulations) as authorized by law (44 U.S.C. 309, 311, 311a); and printing and binding of Government publications authorized by law to be distributed without charge to the recipients; \$18,000,000: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture): *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

49 Stat. 1546.

49 Stat. 502;
67 Stat. 388;
77 Stat. 343;
56 Stat. 1045.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For necessary expenses of the Office of Superintendent of Documents, including compensation of all employees in accordance with the Act entitled "An Act to regulate and fix rates of pay for employees and officers of the Government Printing Office", approved June 7, 1924 (44 U.S.C. 40); travel expenses (not to exceed \$1,500); price lists and bibliographies; repairs to buildings, elevators, and machinery; and supplying books to depository libraries; \$5,562,000: *Provided*, That \$200,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), with the approval of the Public Printer, only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in the budget estimates and which cannot be provided for by normal budgetary adjustments.

43 Stat. 658.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

During the current fiscal year the Government Printing Office revolving fund shall be available for the hire of one passenger motor vehicle.

SELECTION OF SITE AND GENERAL PLANS AND DESIGNS OF BUILDINGS

For necessary expenses, for site selection and general plans and designs of buildings for the Government Printing Office, pursuant to the Public Buildings Act of 1959 (40 U.S.C. 602 et seq.), \$2,500,000, to be available for transfer to the General Services Administration: *Provided*, That the selection of a site must be approved by the Joint Committee on Printing.

73 Stat. 479.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including rental or lease of office space in foreign countries without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), \$46,900,000.

60 Stat. 810.

GENERAL PROVISIONS

SEC. 102. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles.

46 Stat. 32.
2 USC 60a note.

SEC. 103. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto: *Provided further*, That the provisions relating to positions and salaries thereof carried in House Resolutions 393, 646, and 647 of the Eighty-eighth Congress shall be the permanent law with respect thereto: *Provided further*, That the provisions of House Resolutions 291, 531, 532, and 533 of the Eighty-eighth Congress shall be the permanent law with respect thereto.

Capitol Police.

SEC. 104. (a) The rate of basic compensation of sergeants of the Capitol Police shall be \$2,520 per annum, and the rate of basic compensation of lieutenants and special officers of the Capitol Police shall be \$2,820 per annum.

Repeal.
76 Stat. 695.

(b) The second sentence of section 106(d) of the Legislative Branch Appropriation Act, 1963, is repealed.

72 Stat. 453.

(c) Any member of the Capitol Police who by reason of the provision repealed by subsection (b) was receiving immediately prior to the effective date of this section, longevity compensation provided by section 105 of the Legislative Branch Appropriation Act, 1959, shall, on and after such effective date, receive in lieu thereof a longevity increase under section 106(b) of the Legislative Branch Appropriation Act, 1963, in addition to any other such increases (not to exceed three) to which he may otherwise be entitled under such section. In computing the length of service of such member for the purpose of such other increases, only service performed subsequent to the date on which he began receiving longevity compensation in accordance with such section 105 shall be counted.

(d) This section shall become effective on the first day of the month following the date of enactment of this Act.

Reports to
Congress.

SEC. 105. (a) Commencing with the semiannual period beginning on July 1, 1964, and ending on December 31, 1964, and for each semiannual period thereafter, the Secretary of the Senate and the Clerk of the House of Representatives shall compile, and, not later than sixty days following the close of the semiannual period, submit to the Senate and House of Representatives, respectively, and make available to the public, in lieu of the reports and information required by sections 60 to 63, inclusive, of the Revised Statutes, as amended (2 U.S.C. 102, 103, 104), and S. Res. 139, Eighty-sixth Congress, a report containing a detailed statement, by items, of the manner in which appro-

priations and other funds available for disbursement by the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, have been expended during the semiannual period covered by the report, including (1) the name of every person to whom any part of such appropriation has been paid, (2) if for anything furnished, the quantity and price thereof, (3) if for services rendered, the nature of the services, the time employed, and the name, title, and specific amount paid to each person, and (4) a complete statement of all amounts appropriated, received, or expended, and any unexpended balances. Such reports shall include the information contained in statements of accountability and supporting vouchers submitted to the General Accounting Office pursuant to the provisions of section 117(a) of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 67(a)). Reports required to be submitted to the Senate and the House of Representatives under this section shall be printed as Senate and House documents, respectively.

64 Stat. 837.

Section 117 of the Accounting and Auditing Act of 1950 (64 Stat. 837, 31 U.S.C. 67) is amended as follows:

By adding after the words "executive agency" in both places where it is used in subsection (b) the words "or the Architect of the Capitol" and by adding after the word "legislative" in the proviso the words "(other than the Architect of the Capitol)".

By adding at the end thereof the following new subsection:

"(c) The Comptroller General in auditing the financial transactions of the Architect of the Capitol shall make such audits at such times as he may deem appropriate. For the purpose of conducting such audits, the provisions of section 313 of the Budget and Accounting Act (42 Stat. 26; 31 U.S.C. 54) shall be applicable to the Architect of the Capitol. The Comptroller General shall report to the President of the Senate and to the Speaker of the House of Representatives the results of each such audit. All such reports shall be printed as Senate documents."

Audits.

Reports to Congress.

(b) Commencing with the semiannual period beginning January 1, 1965 and for each semiannual period thereafter, the Architect of the Capitol shall compile and, not later than sixty days following the close of the semiannual period, submit to the Senate and the House of Representatives a report of all expenditures made from monies appropriated to the Architect of the Capitol, based on payrolls and other vouchers transmitted during such period to the Treasury Department for disbursement, such report to include (1) the name, title, and gross salary payment to each employee; (2) a list of government contributions to retirement, health, insurance, and other similar funds; and (3) name of payee, brief description of service rendered or items furnished under contract, purchase order or other agreement. Such report shall be printed as a Senate document.

Reports to Congress.

This Act may be cited as the "Legislative Branch Appropriation Act, 1965".

Short title.

Approved August 20, 1964.

Public Law 88-455

August 20, 1964
[S. 1057]

AN ACT

To promote the cause of criminal justice by providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States.

Criminal Justice
Act of 1964.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Criminal Justice Act of 1964."

SEC. 2. Title 18 of the United States Code is amended by adding immediately after section 3006 the following new section:

"§ 3006A. Adequate representation of defendants

"(a) CHOICE OF PLAN.—Each United States district court, with the approval of the judicial council of the circuit, shall place in operation throughout the district a plan for furnishing representation for defendants charged with felonies or misdemeanors, other than petty offenses as defined in section 1 of this title, who are financially unable to obtain an adequate defense. Representation under each plan shall include counsel and investigative, expert, and other services necessary to an adequate defense. The provision for counsel under each plan shall conform to one of the following:

"(1) Representation by private attorneys;

"(2) Representation by attorneys furnished by a bar association or a legal aid agency; or

"(3) Representation according to a plan containing a combination of the foregoing.

Prior to approving the plan for a district, the judicial council of the circuit shall supplement the plan with provisions for the representation on appeal of defendants financially unable to obtain representation. Consistent with the provisions of this section, the district court may modify a plan at any time with the approval of the judicial council of the circuit; it shall modify the plan when directed by the judicial council of the circuit. The district court shall notify the Administrative Office of the United States Courts of modifications in its plan.

"(b) APPOINTMENT OF COUNSEL.—In every criminal case in which the defendant is charged with a felony or a misdemeanor, other than a petty offense, and appears without counsel, the United States commissioner or the court shall advise the defendant that he has the right to be represented by counsel and that counsel will be appointed to represent him if he is financially unable to obtain counsel. Unless the defendant waives the appointment of counsel, the United States commissioner or the court, if satisfied after appropriate inquiry that the defendant is financially unable to obtain counsel, shall appoint counsel to represent him. The United States commissioner or the court shall appoint separate counsel for defendants who have such conflicting interests that they cannot properly be represented by the same counsel, or when other good cause is shown. Counsel appointed by the United States commissioner or a judge of the district court shall be selected from a panel of attorneys designated or approved by the district court.

"(c) DURATION AND SUBSTITUTION OF APPOINTMENTS.—A defendant for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the United States commissioner or court through appeal. If at any time after the appointment of counsel the court having jurisdiction of the case finds that the defendant is financially able to obtain counsel or to make partial payment for the representation, he may terminate the appointment of counsel or authorize payment as provided in subsection (f),

62 Stat. 684.

as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the court having jurisdiction of the case finds that the defendant is financially unable to pay counsel whom he had retained, the court may appoint counsel as provided in subsection (b) and authorize payment as provided in subsection (d), as the interests of justice may dictate. The United States commissioner or the court may, in the interests of justice, substitute one appointed counsel for another at any stage of the proceedings.

Substitution of
counsel.

“(d) **PAYMENT FOR REPRESENTATION.**—An attorney appointed pursuant to this section, or a bar association or legal aid agency which made an attorney available for appointment, shall, at the conclusion of the representation or any segment thereof, be compensated at a rate not exceeding \$15 per hour for time expended in court or before a United States commissioner, and \$10 per hour for time reasonably expended out of court, and shall be reimbursed for expenses reasonably incurred. A separate claim for compensation and reimbursement shall be made to the district court for representation before the United States commissioner or that court, and to each appellate court before which the attorney represented the defendant. Each claim shall be supported by a written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the United States commissioner or court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall, in each instance, fix the compensation and reimbursement to be paid to the attorney, bar association or legal aid agency. For representation of a defendant before the United States commissioner and the district court, the compensation to be paid to an attorney, or to a bar association or legal aid agency for the services of an attorney, shall not exceed \$500 in a case in which one or more felonies are charged, and \$300 in a case in which only misdemeanors are charged. In extraordinary circumstances, payment in excess of the limits stated herein may be made if the district court certifies that such payment is necessary to provide fair compensation for protracted representation, and the amount of the excess payment is approved by the chief judge of the circuit. For representation of a defendant in an appellate court, the compensation to be paid to an attorney, or to a bar association or legal aid agency for the services of an attorney, shall in no event exceed \$500 in a felony case and \$300 in a case involving only misdemeanors.

Payment in
excess.

Representation
in appellate
cases.

“(e) **SERVICES OTHER THAN COUNSEL.**—Counsel for a defendant who is financially unable to obtain investigative, expert, or other services necessary to an adequate defense in his case may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the defendant is financially unable to obtain them, the court shall authorize counsel to obtain the services on behalf of the defendant. The court may, in the interests of justice, and upon a finding that timely procurement of necessary services could not await prior authorization, ratify such services after they have been obtained. The court shall determine reasonable compensation for the services and direct payment to the organization or person who rendered them upon the filing of a claim for compensation supported by an affidavit specifying the time expended, services rendered, and expenses incurred on behalf of the defendant, and the compensation received in the same case or for the same services from any other source. The compensation to be paid to a person for such service rendered by him to a defendant under this subsection, or to be paid to an organization for such services rendered by an employee thereof, shall not exceed \$300, exclusive of reimbursement for expenses reasonably incurred.

"(f) RECEIPT OF OTHER PAYMENTS.—Whenever the court finds that funds are available for payment from or on behalf of a defendant, the court may authorize or direct that such funds be paid to the appointed attorney, to the bar association or legal aid agency which made the attorney available for appointment, to any person or organization authorized pursuant to subsection (e) to render investigative, expert, or other services, or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for assisting in the representation of a defendant.

Reports.

"(g) RULES AND REPORTS.—Each district court and judicial council of a circuit shall submit a report on the appointment of counsel within its jurisdiction to the Administrative Office of the United States Courts in such form and at such times as the Judicial Conference of the United States may specify. The Judicial Conference of the United States may, from time to time, issue rules and regulations governing the operation of plans formulated under this section.

"(h) APPROPRIATIONS.—There are authorized to be appropriated to the United States courts, out of any money in the Treasury not otherwise appropriated, sums necessary to carry out the provisions of this section. When so specified in appropriation acts, such appropriations shall remain available until expended. Payments from such appropriations shall be made under the supervision of the Director of the Administrative Office of the United States Courts.

"District court."

"(i) DISTRICTS INCLUDED.—The term 'district court' as used in this section includes the District Court of the Virgin Islands, the District Court of Guam, and the district courts of the United States created by chapter 5 of title 28, United States Code."

28 USC 81-144.
Submission of
plans.

SEC. 3. Each district court shall within six months from the date of this enactment submit to the judicial council of the circuit a plan formulated in accordance with section 2 and any rules and regulations issued thereunder by the Judicial Conference of the United States. Each judicial council shall within nine months from the date of this enactment approve and transmit to the Administrative Office of the United States Courts a plan for each district in its circuit. Each district court and court of appeals shall place its approved plan in operation within one year from the date of this enactment.

SEC. 4. The table of sections at the head of chapter 201 of title 18 of the United States Code is amended by adding immediately after item 3006 the following:

"3006A. Adequate representation of defendants."

Approved August 20, 1964.

Public Law 88-456

AN ACT

August 20, 1964
[H. R. 1713]

To approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Klamath Indian irrigation project, Oregon, and for other purposes.

Irrigation
charges.
Approval of
cancellation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with the Act of June 22, 1936 (49 Stat. 1803, 25 U.S.C. 389), the order of the Secretary of the Interior canceling \$401,440.55 of reimbursable irrigation costs and any accrued interest thereon chargeable to lands in the Klamath Indian irrigation project is approved.

Approved August 20, 1964.

Public Law 88-457

AN ACT

To provide for the disposition of the funds arising from a judgment in favor of the Shawnee Tribe or Nation of Indians.

August 20, 1964
[H. R. 8834]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Shawnee Tribe or Nation that were appropriated by the Act of September 30, 1961 (75 Stat. 733), to pay a judgment that was obtained by the tribe or nation in the Indian Claims Commission for inadequate compensation for lands ceded to the United States under the treaty of May 10, 1854 (10 Stat. 1053), and the interest thereon, shall be divided on the basis of 514/1378ths to the Absentee Band of Shawnee Indians of Oklahoma; 747/1378ths to the Cherokee Band of Shawnee Indians of Oklahoma; and 117/1378ths to the Eastern Band of Shawnee Indians of Oklahoma, after payment of attorney fees and expenses of litigation.

Indians.
Shawnee Tribe.
Disposition of
funds.

SEC. 2. The funds placed to the credit of the Absentee and the Eastern Bands of Shawnee Indians in the United States Treasury, and the interest thereon may be advanced or expended for any purpose and in such manner as the respective tribal governing bodies authorize and the Secretary of the Interior approves.

SEC. 3. For the purpose of determining individual interests in the funds placed to the credit of the Cherokee Band of Shawnee Indians pursuant to section 1 of this Act, the Secretary shall prepare a new roll based on the roll of Cherokee Shawnees prepared in accordance with the Act of March 2, 1889 (25 Stat. 994). Eligible for inclusion on this new payment roll shall be all persons living on the date of this Act (a) who are, themselves, listed on the 1889 roll and (b) who are direct lineal descendants of persons listed on the 1889 roll. The Secretary may promulgate such rules and regulations as he considers necessary to carry out the purposes of this section.

Payment roll.

SEC. 4. When the roll prepared pursuant to section 3 above has been completed and finally approved, the Secretary shall withdraw from the Treasury the funds placed to the credit of the Cherokee Band of Shawnee Indians in accordance with section 1 of this Act, together with the interest accumulated thereon, and shall distribute them in equal per capita shares to persons whose names appear on the roll: *Provided*, That no person who receives a per capita payment from funds credited to the Cherokee Band of Shawnee Indians shall be permitted to share in any per capita distribution of the funds credited to the Absentee and Eastern Bands of Shawnee Indians.

SEC. 5. (a) Except as provided in subsection (b) of this section, the Secretary shall distribute a per capita share payable to a living enrollee directly to such enrollee, and the Secretary shall distribute a per capita share payable to a deceased enrollee directly to his next of kin or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

Distribution.

(b) A share payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedures as the Secretary determines will adequately protect the best interests of such persons.

Tax exemption.

SEC. 6. No part of any of the funds distributed in accordance with this Act shall be subject to Federal or State income tax.

Costs.

SEC. 7. All costs incurred by the Secretary in the preparation of the roll and in the payment of the per capita shares in accordance with the provisions of this Act shall be paid by withdrawals from the judgment fund of the appropriate band.

SEC. 8. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Approved August 20, 1964.

Public Law 88-458

AN ACT

August 20, 1964
[H. R. 6128]

To amend section 15 of the Life Insurance Act to permit any stock life insurance company in the District of Columbia to maintain its record of stockholders at its principal place of business in the District of Columbia or at the office of its designated stock transfer agent in the District of Columbia, and for other purposes.

D.C. life insurance companies.
Record of stockholders.
48 Stat. 1147.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15 of the Life Insurance Act (D.C. Code, sec. 35-515) is amended to read as follows:

"SEC. 15. CAPITAL-STOCK RECORD.—It shall be the duty of the directors of every domestic stock company to cause a record to be kept by the treasurer or secretary of the company or by the stock transfer agent of the company containing the names of all persons, alphabetically arranged, who are or shall within six years have been stockholders of such company, and showing their place of residence, the number of shares of capital stock held by them, respectively, the time when they became owners of such shares, and the amount of capital stock actually paid in.

"Such record shall, during the usual business hours of the day, on every business day, be open for inspection by policyholders, stockholders, creditors of the company, and the personal representatives of such policyholders, stockholders, and creditors at the office or principal place of business of such company in the place where its business operations shall be located in the District of Columbia, or at the office of the stock transfer agent located in the District of Columbia, and any policyholder, stockholder, creditor, or representative shall have a right to make extracts from such record.

"Such record shall be presumptive evidence of the facts therein stated in favor of the plaintiff in any suit or proceeding against such company or against any one or more stockholders.

"Every officer, stock transfer agent, or any other agent of any company who shall neglect to make any proper entry in such record, or shall refuse or neglect to exhibit the same, or allow the same to be inspected and extracts to be taken therefrom, as herein provided, shall be deemed guilty of a misdemeanor and the company shall pay to the party injured a penalty of \$50 for any such neglect or refusal, and all damages resulting therefrom.

"Every company that shall neglect to have such record kept open for inspection, as herein provided, shall forfeit to the District the sum of \$50 for every day it shall so neglect, to be sued for and recovered by the Superintendent, the Corporation Counsel representing him, in the United States District Court for the District of Columbia."

Approved August 20, 1964.

Public Law 88-459

AN ACT

To authorize Government agencies to provide quarters and facilities to civilian officers and employees of the Government, and for other purposes.

August 20, 1964
[S. 1833]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of this Act—

Federal employ-
ees.
Quarters and
facilities.
Definitions.

(1) "Government" means the Government of the United States of America.

(2) "agency" means—

- (A) each executive department of the Government;
- (B) each agency or independent establishment in the executive branch of the Government;
- (C) each corporation owned or controlled by the Government, except the Tennessee Valley Authority; and
- (D) the General Accounting Office.

(3) "employee" means a civilian officer or employee of an agency.

(4) "United States" means the several States of the United States of America, the District of Columbia, the territories and possessions of the United States, and the Commonwealth of Puerto Rico.

(5) "quarters" means quarters owned or leased by the Government.

(6) "facilities" means household furniture and equipment, garage space, utilities, subsistence, and laundry service.

(7) "member" and "uniformed services" have the meanings given them by section 101 of title 37, United States Code.

76 Stat. 451.

SEC. 2. Whenever conditions of employment or of availability of quarters warrant such action, the head of each agency may provide, directly or by contract, any employee stationed in the United States, with quarters and facilities.

SEC. 3. Rental rates for quarters provided for an employee under section 2 of this Act or occupied on a rental basis by an employee or a member of the uniformed services under any other provision of law, and charges for facilities made available in connection with the occupancy of such quarters, shall be based on the reasonable value of the quarters and facilities to the employee or the member of the uniformed services concerned, in the circumstances under which the quarters and facilities are provided, occupied, or made available. The amounts of such rates and charges shall be paid by, or deducted from the salary of, such employee or member of the uniformed services, or otherwise charged against him in accordance with law. The amounts of payroll deductions for such rates and charges shall remain in the applicable appropriation or fund, but, whenever payment of such rates and charges is made by any other method, the amounts of payment shall be credited to the Government as provided by law.

Rental rates.

SEC. 4. Whenever, as an incidental service in support of a program of the Government, any quarters and facilities are provided, by appropriate authority of the Government, to any person other than an employee or a member of the uniformed services, the rates and charges therefor shall be determined in accordance with this Act. The amounts of the payments of such rates and charges shall be credited to the Government as provided by law.

SEC. 5. An employee or a member of the uniformed services shall not be required to occupy quarters on a rental basis unless the head of the agency concerned shall determine that necessary service cannot

be rendered, or that property of the Government cannot adequately be protected, otherwise.

Regulations.

SEC. 6. The President may issue regulations governing the provision, occupancy, and availability of quarters and facilities, the determination of rates and charges therefor, and other related matters, as are necessary and appropriate to carry out the provisions of this Act. The head of each agency may prescribe and issue such regulations, not inconsistent with the regulations of the President, as may be necessary and appropriate to carry out the functions of such agency head under this Act.

SEC. 7. Section 3 of this Act shall not be held or considered to repeal or modify any provision of law authorizing the provision of quarters or facilities, either without charge or at rates or charges specifically fixed by law.

Repeal.

SEC. 8. Section 3 of the Act of March 5, 1928 (45 Stat. 193; 5 U.S.C. 75a), is hereby repealed.

Effective date.

SEC. 9. The foregoing provisions of this Act shall become effective on the sixtieth day following the date of enactment of this Act.

Approved August 20, 1964.

Public Law 88-460

AN ACT

August 20, 1964
[H. R. 6350]

To amend the Act entitled "An Act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto", approved June 6, 1892, as amended.

D.C.
Dental hygien-
ists, licensing.

54 Stat. 722.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 24 of the Act entitled "An Act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto", approved June 6, 1892 (27 Stat. 42), as amended (sec. 2-324, D.C. Code, 1961 edition), is amended by adding the following sentence at the end thereof: "The Board of Dental Examiners may, in its discretion, waive the theoretical examination and issue a license to any applicant who holds a certificate from the National Board of Dental Examiners: *Provided*, That such applicant shall pass a practical examination given by the Board of Dental Examiners: *Provided further*, That in exercising its discretion to waive theoretical examinations the Board of Dental Examiners shall satisfy itself that the examination given by the National Board of Dental Examiners was as comprehensive as that required in the District of Columbia."

SEC. 2. The foregoing amendment of said Act of June 6, 1892, as amended, shall not be considered as affecting the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824), and the performance of any function vested by said plan in the Board of Commissioners or in any office or agency under the jurisdiction and control of said Board of Commissioners shall continue to be subject to delegation by said Board of Commissioners in accordance with section 3 of such plan. Any function vested by this amendatory Act in any agency established pursuant to such plan shall be deemed to be vested in said Board of Commissioners and shall be subject to delegation in accordance with said plan.

Approved August 20, 1964.

D.C. Code
Title 1 app.

Public Law 88-461

AN ACT

To convey certain federally owned land to the Cherokee Tribe of Oklahoma.

August 20, 1964
[H. R. 6496]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States in the following described land comprising 40 acres, more or less, heretofore set aside for school purposes, are hereby conveyed to the Cherokee Indian Tribe of Oklahoma, and such land shall not be subject to any exemption from taxation, or restriction on use, management, or disposition, because of Indian ownership:

Indians.
Cherokee Tribe
of Okla.
Land convey-
ance.

North half southeast quarter northeast quarter, and that part of the northeast quarter northeast quarter lying south of United States Highway Numbered 62, section 20, township 16 north, range 22 east, Indian meridian, Oklahoma.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the lands conveyed under the authority of this Act should or should not be set off against any claim against the United States determined by the Commission subsequent to the conveyance.

25 USC 70a.

Approved August 20, 1964.

Public Law 88-462

AN ACT

To provide for the relocation and reestablishment of the village of Sil Murk and of the members of the Papago Indian Tribe inhabiting the village of Sil Murk, and for other purposes.

August 20, 1964
[H. R. 11329]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to receive and hold in trust for the Papago Tribe an amount of \$269,500 out of funds available for the Painted Rock Dam and Reservoir project to be used solely for the relocation and reestablishment of the village of Sil Murk, and its inhabitants, including the purchase of a replacement site, construction of community facilities, and other improvements: *Provided*, That title to the replacement site and such community facilities shall be held by the United States of America in trust for the Papago Indian Tribe: *Provided further*, That said funds held by the Secretary of the Interior in trust for the Papago Tribe shall be expended in accordance with plans approved by the Secretary of the Interior.

Indians.
Papago Tribe.
Sil Murk village
relocation.

SEC. 2. As a condition of the payment authorized in section 1 for the relocation of the village of Sil Murk, the individuals who may assert an interest in the improvements in the village and the Papago Tribe shall, by appropriate resolution and deed, quitclaim and release to the United States whatever interest the tribe and the individuals may have in the site of the present village of Sil Murk.

SEC. 3. There is authorized to be appropriated not to exceed \$269,500 to carry out the provisions of this Act.

Approved August 20, 1964.

Public Law 88-464

AN ACT

August 20, 1964
[H. R. 8080]

To authorize the Secretary of Interior to prepare a roll of persons eligible to receive funds from an Indian Claims Commission judgment in favor of the Snake or Paiute Indians of the former Malheur Reservation in Oregon, to prorate and distribute such funds, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall prepare a roll of the persons of Snake or Paiute Indian ancestry who meet the following requirements for eligibility:

(1) They were born on or prior to and living on the date of this Act; and (2) they were members of or are lineal descendants of members of the bands whose chiefs and headmen We-you-we-wa (Wewa), Gaha-nee, E-hi-gant (Egan), Po-nee, Chaw-wat-na-nee, Owits (Oits), and Tash-e-go, signed the unratified Treaty of December 10, 1868; and (3) they do not elect to participate as beneficiaries of any awards granted in the docket numbered 87 claim of the Northern Paiute Nation. Applications for enrollment must be filed with the area director of the Bureau of Indian Affairs, Portland, Oregon, within nine months after the date of this Act on forms prescribed for that purpose. The determination of the Secretary regarding utilization of available rolls or records and the eligibility for enrollment of an applicant shall be final.

SEC. 2. The Secretary is authorized and directed to withdraw the funds on deposit in the Treasury of the United States to the credit of the Snake or Paiute Tribe that were appropriated by the Act of April 13, 1960 (74 Stat. 42), in satisfaction of a judgment that was obtained by the tribe in the Indian Claims Commission against the United States in docket numbered 17 together with the interest accrued thereon, after payment of attorney fees and expenses, as well as all other expenses, and to prorate such funds among those persons whose names appear on the roll prepared pursuant to section 1 of this Act for distribution as hereinafter provided.

SEC. 3. The Secretary shall distribute shares payable to living persons enrolled pursuant to section 1 of this Act and shares payable to the heirs or legatees of deceased persons enrolled pursuant to section 1 of this Act according to rules and regulations which he shall prescribe, taking into account that in some instances a planned individual or group program for the use of shares may more properly serve the long-term interest of the enrollees than would a direct, unsupervised per capita payment. The funds so distributed shall not be subject to Federal or State income tax.

SEC. 4. All costs incurred by the Secretary in the preparation of the rolls and in the distribution of payment of pro rata shares in accordance with the provisions of this Act shall be paid by appropriate withdrawals from the judgment fund.

SEC. 5. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Approved August 20, 1964.

Indians.
Snake or Paiute
Tribe, payment
roll.

Public Law 88-465

AN ACT

August 20, 1964
[H. R. 8334]

To transfer to the Salt River Pima-Maricopa Indian community certain lands within the Salt River Pima-Maricopa Indian Reservation.

Indians.
Salt River Pima-
Maricopa Tribe.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States in and to the following-described lands within the Salt River Pima-Maricopa Indian Reservation, Arizona, consisting of approximately 27.8625 acres, purchased for school purposes from Indian moneys proceeds of labor funds and now excess to the needs of the Bureau of Indian Affairs, are hereby declared to be held by the United States in trust for the Salt River Pima-Maricopa Indian Community:

South half north half south half northeast quarter southwest quarter southeast quarter,

South half south half northeast quarter southwest quarter southeast quarter,

North half northwest quarter southwest quarter southeast quarter,
North half north half south half northwest quarter southwest quarter southeast quarter,

West half east half southeast quarter southwest quarter,
West half east half east half southeast quarter southwest quarter,
East half northeast quarter northeast quarter southeast quarter southwest quarter,

North half northeast quarter southeast quarter northeast quarter southeast quarter southwest quarter,

Section 32, township 2 north, range 5 east, G & SRP & M, Arizona.

25 USC 70a.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Approved August 20, 1964.

Public Law 88-466

AN ACT

August 20, 1964
[S. 2318]

To amend the joint resolution approved August 20, 1958, granting the consent of Congress to the several States to negotiate and enter into compacts for the purpose of promoting highway traffic safety.

Interstate com-
pacts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution approved August 20, 1958 (72 Stat. 635), is amended by inserting in the resolving clause after the word "States" the phrase "and one or more of the several States and the District of Columbia,".

Approved August 20, 1964.

Public Law 88-467

AN ACT

August 20, 1964
[S. 1642]

To amend the Securities Act of 1933, as amended, and the Securities Exchange Act of 1934, as amended, to extend disclosure requirements to the issuers of additional publicly traded securities, to provide for improved qualification and disciplinary procedures for registered brokers and dealers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Securities Acts Amendments of 1964".

Securities Acts
Amendments of
1964.

SEC. 2. Section 3(a) of the Securities Exchange Act of 1934 is amended by adding at the end thereof the following four paragraphs:

Definitions.
48 Stat. 882.
15 USC 78c.

"(18) The term 'person associated with a broker or dealer' means any partner, officer, director, or branch manager of such broker or dealer (or any person occupying a similar status or performing similar functions), or any person directly or indirectly controlling or controlled by such broker or dealer, including any employee of such broker or dealer, except that for the purposes of section 15(b) of this title (other than paragraph (7) thereof), persons associated with a broker or dealer whose functions are clerical or ministerial shall not be included in the meaning of such term. The Commission may by rules and regulations classify, for the purpose of any portion or portions of this title, persons, including employees, controlled by a broker or a dealer.

Post, p. 570.

"(19) The terms 'investment company', 'affiliated person', and 'insurance company' have the same meanings as in the Investment Company Act of 1940.

"(20) The terms 'investment adviser' and 'underwriter' have the same meanings as in the Investment Advisers Act of 1940.

54 Stat. 789.
15 USC 80a-51.
15 USC 80b-20.

"(21) The term 'person associated with a member' means a person who is registered with a registered securities association pursuant to its rules or who is associated with a broker or dealer which is a member of such association."

SEC. 3. (a) Section 12(b) of the Securities Exchange Act of 1934 is amended as follows:

Registration re-
quirements.
48 Stat. 892.
15 USC 78l.

(1) Subparagraphs (I) through (K) of paragraph (1) are redesignated as (J) through (L), respectively.

(2) A new subparagraph (I) is added after subparagraph (H) to read as follows:

"(I) material contracts, not made in the ordinary course of business, which are to be executed in whole or in part at or after the filing of the application or which were made not more than two years before such filing, and every material patent or contract for a material patent right shall be deemed a material contract;"

(3) A new paragraph (3) is added at the end of subsection (b) to read as follows:

"(3) Such copies of material contracts, referred to in paragraph (1)(I) above, as the Commission may require as necessary or appropriate for the proper protection of investors and to insure fair dealing in the security."

(b) Section 12(f) of said Act is amended to read as follows:

Unlisted trading
privileges.
15 USC 78l.

"(f) (1) Notwithstanding the foregoing provisions of this section, any national securities exchange, subject to the terms and conditions hereinafter set forth—

"(A) may continue unlisted trading privileges to which a security had been admitted on such exchange prior to the effective date of subsection (g) (1) of section 12 of this title.

Post, p. 566.

"(B) upon application to and approval of such application by the Commission, may extend unlisted trading privileges to any security duly listed and registered on any other national securities exchange.

If an extension of unlisted trading privileges to a security was originally based upon its listing and registration on another national securities exchange, such privileges shall continue in effect only so long as such security shall remain listed and registered on any other national securities exchange.

"(2) No application pursuant to this subsection shall be approved unless the Commission finds, after appropriate notice and opportunity for hearing, that the extension of unlisted trading privileges pursuant to such application is necessary or appropriate in the public interest or for the protection of investors.

"(3) The Commission shall by rules and regulations suspend unlisted trading privileges in whole or in part for any or all classes of securities for a period not exceeding twelve months, if it deems such suspension necessary or appropriate in the public interest or for the protection of investors or to prevent evasion of the purposes of this title.

"(4) On the application of the issuer of any security for which unlisted trading privileges on any exchange have been continued or extended pursuant to this subsection, or of any broker or dealer who makes or creates a market for such security, or of any other person having a bona fide interest in the question of termination or suspension of such unlisted trading privileges, or on its own motion, the Commission shall by order terminate, or suspend for a period not exceeding twelve months, such unlisted trading privileges for such security if the Commission finds, after appropriate notice and opportunity for hearing, that such termination or suspension is necessary or appropriate in the public interest or for the protection of investors.

"(5) In any proceeding under this subsection in which appropriate notice and opportunity for hearing are required, notice of not less than ten days to the applicant in such proceeding, to the issuer of the security involved, to the exchange which is seeking to continue or extend or has continued or extended unlisted trading privileges for such security, and to the exchange, if any, on which such security is listed and registered, shall be deemed adequate notice, and any broker or dealer who makes or creates a market for such security, and any other person having a bona fide interest in such proceeding, shall upon application be entitled to be heard.

"(6) Any security for which unlisted trading privileges are continued or extended pursuant to this subsection shall be deemed to be registered on a national securities exchange within the meaning of this title. The powers and duties of the Commission under section 19(b) of this title shall be applicable to the rules of an exchange in respect of any such security. The Commission may, by such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors, either unconditionally or upon specified terms and conditions, or for stated periods, exempt such securities from the operation of any provision of section 13, 14, or 16 of this title."

(c) Section 12 of said Act is further amended by adding thereto the following new subsection:

"(g) (1) Every issuer which is engaged in interstate commerce, or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce shall—

"(A) within one hundred and twenty days after the last day of its first fiscal year ended after the effective date of this sub-

48 Stat. 898.
15 USC 78s.

Post, p. 569.

Post, p. 579.

Issuers engaged
in interstate com-
merce.

Ante, p. 565.
15 USC 78l.

section on which the issuer has total assets exceeding \$1,000,000 and a class of equity security (other than an exempted security) held of record by seven hundred and fifty or more persons; and

“(B) within one hundred and twenty days after the last day of its first fiscal year ended after two years from the effective date of this subsection on which the issuer has total assets exceeding \$1,000,000 and a class of equity security (other than an exempted security) held of record by five hundred or more but less than seven hundred and fifty persons,

register such security by filing with the Commission a registration statement (and such copies thereof as the Commission may require) with respect to such security containing such information and documents as the Commission may specify comparable to that which is required in an application to register a security pursuant to subsection (b) of this section. Each such registration statement shall become effective sixty days after filing with the Commission or within such shorter period as the Commission may direct. Until such registration statement becomes effective it shall not be deemed filed for the purposes of section 18 of this title. Any issuer may register any class of equity security not required to be registered by filing a registration statement pursuant to the provisions of this paragraph. The Commission is authorized to extend the date upon which any issuer or class of issuers is required to register a security pursuant to the provisions of this paragraph.

48 Stat. 897.
15 USC 78r.

“(2) The provisions of this subsection shall not apply in respect of—

Nonapplicability.

“(A) any security listed and registered on a national securities exchange.

“(B) any security issued by an investment company registered pursuant to section 8 of the Investment Company Act of 1940.

54 Stat. 803.
15 USC 80a-8.

“(C) any security, other than permanent stock, guaranty stock, permanent reserve stock, or any similar certificate evidencing nonwithdrawable capital, issued by a savings and loan association, building and loan association, cooperative bank, homestead association, or similar institution, which is supervised and examined by State or Federal authority having supervision over any such institution.

“(D) any security of an issuer organized and operated exclusively for religious, educational, benevolent, fraternal, charitable, or reformatory purposes and not for pecuniary profit, and no part of the net earnings of which inures to the benefit of any private shareholder or individual.

“(E) any security of an issuer which is a ‘cooperative association’ as defined in the Agricultural Marketing Act, approved June 15, 1929, as amended, or a federation of such cooperative associations, if such federation possesses no greater powers or purposes than cooperative associations so defined.

46 Stat. 11.
12 USC 1141-1141j.

“(F) any security issued by a mutual or cooperative organization which supplies a commodity or service primarily for the benefit of its members and operates not for pecuniary profit, but only if the security is part of a class issuable only to persons who purchase commodities or services from the issuer, the security is transferable only to a successor in interest or occupancy of premises serviced or to be served by the issuer, and no dividends are payable to the holder of the security.

“(G) any security issued by an insurance company if all of the following conditions are met:

“(i) Such insurance company is required to and does file an annual statement with the Commissioner of Insurance (or

other officer or agency performing a similar function) of its domiciliary State, and such annual statement conforms to that prescribed by the National Association of Insurance Commissioners or in the determination of such State commissioner, officer or agency substantially conforms to that so prescribed.

“(ii) Such insurance company is subject to regulation by its domiciliary State of proxies, consents, or authorizations in respect of securities issued by such company and such regulation conforms to that prescribed by the National Association of Insurance Commissioners.

“(iii) After July 1, 1966, the purchase and sales of securities issued by such insurance company by beneficial owners, directors, or officers of such company are subject to regulation (including reporting) by its domiciliary State substantially in the manner provided in section 16 of this title.

Post, p. 579.
Exemptions.

“(3) The Commission may by rules or regulations or, on its own motion, after notice and opportunity for hearing, by order, exempt from this subsection any security of a foreign issuer, including any certificate of deposit for such a security, if the Commission finds that such exemption is in the public interest and is consistent with the protection of investors.

Termination of
registration.

“(4) Registration of any class of security pursuant to this subsection shall be terminated ninety days, or such shorter period as the Commission may determine, after the issuer files a certification with the Commission that the number of holders of record of such class of security is reduced to less than three hundred persons. The Commission shall after notice and opportunity for hearing deny termination of registration if it finds that the certification is untrue. Termination of registration shall be deferred pending final determination on the question of denial.

Definition.

“(5) For the purposes of this subsection the term ‘class’ shall include all securities of an issuer which are of substantially similar character and the holders of which enjoy substantially similar rights and privileges. The Commission may for the purpose of this subsection define by rules and regulations the terms ‘total assets’ and ‘held of record’ as it deems necessary or appropriate in the public interest or for the protection of investors in order to prevent circumvention of the provisions of this subsection.”

Ante, p. 566.
15 USC 78l.

(d) Section 12 of said Act is further amended by adding thereto the following new subsection:

“(h) The Commission may by rules and regulations, or upon application of an interested person, by order, after notice and opportunity for hearing, exempt in whole or in part any issuer or class of issuers from the provisions of subsection (g) of this section or from section 13, 14, or 15(d) or may exempt from section 16 any officer, director, or beneficial owner of securities of any issuer, any security of which is required to be registered pursuant to subsection (g) hereof, upon such terms and conditions and for such period as it deems necessary or appropriate, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such action is not inconsistent with the public interest or the protection of investors. The Commission may, for the purposes of any of the above-mentioned sections or subsections of this title, classify issuers and prescribe requirements appropriate for each such class.”

Post, pp. 569,
574, 579.

(e) Section 12 of said Act is further amended by adding thereto the following new subsection:

"(i) In respect of any securities issued by banks the deposits of which are insured in accordance with the Federal Deposit Insurance Act, the powers, functions, and duties vested in the Commission under this title to administer and enforce sections 12, 13, 14(a), 14(c), and 16 (1) with respect to national banks and banks operating under the Code of Law for the District of Columbia are vested in the Comptroller of the Currency, (2) with respect to all other member banks of the Federal Reserve System are vested in the Board of Governors of the Federal Reserve System, and (3) with respect to all other insured banks are vested in the Federal Deposit Insurance Corporation. The Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation shall have power to make such rules and regulations as may be necessary for the execution of the functions vested in them as provided in this subsection and none of the rules, regulations, forms or orders issued or adopted by the Commission pursuant to this title shall be in any way binding upon such officers and agencies in the performance of such functions, or upon any such banks in connection with the performance of such functions."

64 Stat. 873.
12 USC 1811
note.
Ante, pp. 565-
568; *infra*; *post*,
pp. 570, 579.

SEC. 4. Section 13(a) of the Securities Exchange Act of 1934 is amended to read as follows:

Reports.
48 Stat. 894.
15 USC 78m.

"SEC. 13. (a) Every issuer of a security registered pursuant to section 12 of this title shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to insure fair dealing in the security—

"(1) such information and documents (and such copies thereof) as the Commission shall require to keep reasonably current the information and documents required to be included in or filed with an application or registration statement filed pursuant to section 12, except that the Commission may not require the filing of any material contract wholly executed before July 1, 1962.

"(2) such annual reports (and such copies thereof), certified if required by the rules and regulations of the Commission by independent public accountants, and such quarterly reports (and such copies thereof), as the Commission may prescribe.

Every issuer of a security registered on a national securities exchange shall also file a duplicate original of such information, documents, and reports with the exchange."

SEC. 5. (a) Section 14(a) of the Securities Exchange Act of 1934 is amended to read as follows:

Proxies.
15 USC 78n.

"SEC. 14. (a) It shall be unlawful for any person, by the use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, to solicit or to permit the use of his name to solicit any proxy or consent or authorization in respect of any security (other than an exempted security) registered pursuant to section 12 of this title."

(b) Section 14(b) of said Act is amended to read as follows:

"(b) It shall be unlawful for any member of a national securities exchange, or any broker or dealer registered under this title, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, to give, or to refrain from giving a proxy, consent, or authorization in respect of any security registered pursuant to section 12 of this title and carried for the account of a customer."

Ante, p. 569.

(c) Section 14 of said Act is further amended by adding thereto the following new subsection:

Ante, pp. 565-569.

"(c) Unless proxies, consents, or authorizations in respect of a security registered pursuant to section 12 of this title are solicited by or on behalf of the management of the issuer from the holders of record of such security in accordance with the rules and regulations prescribed under subsection (a) of this section, prior to any annual or other meeting of the holders of such security, such issuer shall, in accordance with rules and regulations prescribed by the Commission, file with the Commission and transmit to all holders of record of such security information substantially equivalent to the information which would be required to be transmitted if a solicitation were made, but no information shall be required to be filed or transmitted pursuant to this subsection before July 1, 1964."

Over-the-counter
markets.
49 Stat. 1377.
15 USC 78o.

SEC. 6. (a) Section 15(a) of the Securities Exchange Act of 1934 is amended to read as follows:

"Sec. 15. (a) (1) No broker or dealer (other than one whose business is exclusively intrastate) shall make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) otherwise than on a national securities exchange, unless such broker or dealer is registered in accordance with subsection (b) of this section.

"(2) The Commission may by such rules and regulations or orders as it deems necessary or appropriate in the public interest or for the protection of investors, either unconditionally or upon specified terms and conditions or for specified periods, exempt from paragraph (1) of this subsection any broker or dealer or class of brokers or dealers specified in such rules, regulations, or orders."

Brokers, regis-
trations.

(b) Section 15(b) of said Act is amended to read as follows:

"(b) (1) A broker or dealer may be registered for the purposes of this section by filing with the Commission an application for registration, which shall contain such information in such detail as to such broker or dealer and any persons associated with such broker or dealer as the Commission may by rules and regulations require as necessary or appropriate in the public interest or for the protection of investors. Except as hereinafter provided, such registration shall become effective thirty days after the receipt of such application by the Commission or within such shorter period of time as the Commission may determine.

"(2) An application for registration of a broker or dealer to be formed or organized may be made by a broker or dealer to which the broker or dealer to be formed or organized is to be the successor. Such application shall contain such information in such detail as to the applicant and as to the successor and any person associated with the applicant or the successor, as the Commission may by rules and regulations require as necessary or appropriate in the public interest or for the protection of investors. Except as hereinafter provided, such registration shall become effective thirty days after the receipt of such application by the Commission or within such shorter period of time as the Commission may determine. Such registration shall terminate on the forty-fifth day after the effective date thereof, unless prior thereto the successor shall, in accordance with such rules and regulations as the Commission may prescribe, adopt such application as its own.

"(3) If any amendment to any application for registration pursuant to this subsection is filed prior to the effective date of the registration, such amendment shall be deemed to have been filed simultaneously with and as part of such application; except that the Commission may,

if it appears necessary or appropriate in the public interest or for the protection of investors, defer the effective date of any such registration as thus amended until the thirtieth day after the filing of such amendment.

"(4) Any provision of this title (other than section 5 and subsection (a) of this section) which prohibits any act, practice, or course of business if the mails or any means or instrumentality of interstate commerce are used in connection therewith shall also prohibit any such act, practice, or course of business by any broker or dealer registered pursuant to this subsection or any person acting on behalf of such a broker or dealer, irrespective of any use of the mails or any means or instrumentality of interstate commerce in connection therewith.

48 Stat. 885.
15 USC 78e.

"(5) The Commission shall, after appropriate notice and opportunity for hearing, by order censure, deny registration to, suspend for a period not exceeding twelve months, or revoke the registration of, any broker or dealer if it finds that such censure, denial, suspension, or revocation is in the public interest and that such broker or dealer, whether prior or subsequent to becoming such, or any person associated with such broker or dealer, whether prior or subsequent to becoming so associated—

Denial of registration.

"(A) has willfully made or caused to be made in any application for registration or report required to be filed with the Commission under this title, or in any proceeding before the Commission with respect to registration, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such application or report any material fact which is required to be stated therein.

"(B) has been convicted within ten years preceding the filing of the application or at any time thereafter of any felony or misdemeanor which the Commission finds—

"(i) involves the purchase or sale of any security.

"(ii) arises out of the conduct of the business of a broker, dealer, or investment adviser.

"(iii) involves embezzlement, fraudulent conversion, or misappropriation of funds or securities.

"(iv) involves the violation of section 1341, 1342, or 1343 of title 18, United States Code.

62 Stat. 763;
70 Stat. 523.

"(C) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, or dealer, or as an affiliated person or employee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security.

"(D) has willfully violated any provision of the Securities Act of 1933, or of the Investment Advisers Act of 1940, or of the Investment Company Act of 1940, or of this title, or of any rule or regulation under any of such statutes.

48 Stat. 74;
54 Stat. 789.
15 USC 77a, 80a-51, 80b-20.

"(E) has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of the Securities Act of 1933, or the Investment Advisers Act of 1940, or the Investment Company Act of 1940, or of this title, or of any rule or regulation under any of such statutes or has failed reasonably to supervise, with a view to preventing violations of such statutes, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision. For the purposes of this clause (E) no person shall be deemed to have failed reasonably to supervise any person, if—

“(i) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and

“(ii) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with.

“(F) is subject to an order of the Commission entered pursuant to paragraph (7) of this subsection (b) barring or suspending the right of such person to be associated with a broker or dealer, which order is in effect with respect to such person.

Postponement of
registration.

“(6) Pending final determination whether any registration under this subsection shall be denied, the Commission may by order postpone the effective date of such registration for a period not to exceed fifteen days, but if, after appropriate notice and opportunity for hearing (which may consist solely of affidavits and oral arguments), it shall appear to the Commission to be necessary or appropriate in the public interest or for the protection of investors to postpone the effective date of such registration until final determination, the Commission shall so order. Pending final determination whether any such registration shall be revoked, the Commission shall by order suspend such registration if, after appropriate notice and opportunity for hearing, such suspension shall appear to the Commission to be necessary or appropriate in the public interest or for the protection of investors. Any registered broker or dealer may, upon such terms and conditions as the Commission may deem necessary in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any registered broker or dealer, or any broker or dealer for whom an application for registration is pending, is no longer in existence or has ceased to do business as a broker or dealer, the Commission shall by order cancel the registration or application of such broker or dealer.

“(7) The Commission may, after appropriate notice and opportunity for hearing, by order censure any person, or bar or suspend for a period not exceeding twelve months any person from being associated with a broker or dealer, if the Commission finds that such censure, barring, or suspension is in the public interest and that such person has committed or omitted any act or omission enumerated in clause (A), (D) or (E) of paragraph (5) of this subsection or has been convicted of any offense specified in clause (B) of said paragraph (5) within ten years of the commencement of the proceedings under this paragraph or is enjoined from any action, conduct, or practice specified in clause (C) of said paragraph (5). It shall be unlawful for any person as to whom such an order barring or suspending him from being associated with a broker or dealer is in effect, willfully to become, or to be, associated with a broker or dealer, without the consent of the Commission, and it shall be unlawful for any broker or dealer to permit such a person to become, or remain, a person associated with him, without the consent of the Commission, if such broker or dealer knew, or in the exercise of reasonable care, should have known, of such order.

“(8) No broker or dealer registered under section 15 of this title shall, during any period when it is not a member of a securities association registered with the Commission under section 15A of this title, effect any transaction in, or induce the purchase or sale of, any security (otherwise than on a national securities exchange) unless such broker or dealer and all natural persons associated with such broker or dealer

meet such specified and appropriate standards with respect to training, experience, and such other qualifications as the Commission finds necessary or desirable. The Commission shall establish such standards by rules and regulations, which may—

“(A) appropriately classify brokers and dealers and persons associated with brokers and dealers (taking into account relevant matters, including types of business done and nature of securities sold).

“(B) specify that all or any portion of such standards shall be applicable to any such class.

“(C) require persons in any such class to pass examinations prescribed in accordance with such rules and regulations.

“(D) provide that persons in any such class other than a broker or a dealer and partners, officers, and supervisory employees (which latter term may be defined by the Commission's rules and regulations and as so defined shall include branch managers of brokers or dealers) of brokers or dealers, may be qualified solely on the basis of compliance with such specified standards of training and such other qualifications as the Commission finds appropriate.

The Commission may prescribe by rules and regulations reasonable fees and charges to defray its costs in carrying out this paragraph, including, but not limited to, fees for any examination administered by it, or under its direction. The Commission may cooperate with securities associations registered under section 15A of this title and with national securities exchanges in administering examinations and may require brokers and dealers subject to this paragraph and persons associated with such brokers and dealers to pass examinations administered by or on behalf of any such association or exchange and to pay to such association or exchange reasonable fees or charges to defray the costs incurred by such association or exchange in administering such examinations.

Post, pp. 574-579.

“(9) In addition to the fees and charges authorized by paragraph (8), each broker or dealer registered under section 15 of this title not a member of a securities association registered pursuant to section 15A of this title shall pay to the Commission such reasonable fees and charges as may be necessary to defray the costs of additional regulatory duties required to be performed by the Commission because such broker or dealer is not a member of such a securities association. The Commission shall establish such fees and charges by rules and regulations.

“(10) No broker or dealer subject to paragraph (8) of this subsection shall effect any transaction in, or induce the purchase or sale of, any security (otherwise than on a national securities exchange) in contravention of such rules and regulations as the Commission may prescribe designed to promote just and equitable principles of trade, to provide safeguards against unreasonable profits or unreasonable rates of commissions or other charges, and in general, to protect investors and the public interest, and to remove impediments to and perfect the mechanism of a free and open market.”

(c) Section 15(c) of said Act is amended by adding at the end thereof the following new paragraphs:

52 Stat. 1075.
15 USC 78o.

“(4) If the Commission finds, after notice and opportunity for hearing, that any person subject to the provisions of section 12, 13, or subsection (d) of section 15 of this title or any rule or regulation thereunder has failed to comply with any such provision, rule, or regulation in any material respect, the Commission may publish its findings and issue an order requiring such person to comply with such provision or such rule or regulation thereunder upon such terms and conditions and within such time as the Commission may specify in such order.

Ante, pp. 565-569; *Post*, p. 574.

"(5) If in its opinion the public interest and the protection of investors so require, the Commission is authorized summarily to suspend trading, otherwise than on a national securities exchange, in any security (other than an exempted security) for a period not exceeding ten days. No broker or dealer shall make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce the purchase or sale of, any security in which trading is so suspended."

49 Stat. 1379.
15 USC 78o.

(d) Section 15(d) of said Act is amended to read as follows:

48 Stat. 74;
68 Stat. 683.
15 USC 77a-77z.

"(d) Each issuer which has filed a registration statement containing an undertaking which is or becomes operative under this subsection as in effect prior to the date of enactment of the Securities Acts Amendments of 1964, and each issuer which shall after such date file a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to section 13 of this title in respect of a security registered pursuant to section 12 of this title. The duty to file under this subsection shall be automatically suspended if and so long as any issue of securities of such issuer is registered pursuant to section 12 of this title. The duty to file under this subsection shall also be automatically suspended as to any fiscal year, other than the fiscal year within which such registration statement became effective, if, at the beginning of such fiscal year, the securities of each class to which the registration statement relates are held of record by less than three hundred persons. For the purposes of this subsection, the term 'class' shall be construed to include all securities of an issuer which are of substantially similar character and the holders of which enjoy substantially similar rights and privileges. Nothing in this subsection shall apply to securities issued by a foreign government or political subdivision thereof."

Ante, pp. 565-
569.

Definition.

National securities associations.

Registration requirements.
52 Stat. 1070.
15 USC 78o-3.

SEC. 7. (a) Section 15A(b) of the Securities Exchange Act of 1934 is amended as follows:

(1) The semicolons at the end of paragraphs (1) through (8) are stricken out and periods are inserted in lieu thereof.

(2) Paragraph (3) thereof is amended to read as follows:

"(3) the rules of the association provide that any broker or dealer who makes use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce the purchase or sale of, any security otherwise than on a national securities exchange, may become a member of such association, except such as are excluded pursuant to paragraph (4) or (5) of this subsection, or a rule of the association permitted under this paragraph. The rules of the association may restrict membership in such association on such specified geographical basis, or on such specified basis relating to the type of business done by its members, or on such other specified and appropriate basis, as appears to the Commission to be necessary or appropriate in the public interest or for the protection of investors and to carry out the purpose of this section. Rules adopted by the association may provide that the association may, unless the Commission directs otherwise in cases in which the Commission finds it appropriate in the public interest so to direct, deny admission to or refuse to continue in such association any broker or dealer if—

"(A) such broker or dealer, whether prior or subsequent to becoming such, or

“(B) any person associated with such broker or dealer, whether prior or subsequent to becoming so associated, has been and is suspended or expelled from a national securities exchange or has been and is barred or suspended from being associated with all members of such exchange, for violation of any rule of such exchange.”

(3) Paragraph (4) thereof is amended to read as follows:

“(4) the rules of the association provide that, except with the approval or at the direction of the Commission in cases in which the Commission finds it appropriate in the public interest so to approve or direct, no broker or dealer shall be admitted to or continued in membership in such association, if such broker or dealer—

“(A) has been and is suspended or expelled from a registered securities association (whether national or affiliated) or from a national securities exchange or has been and is barred or suspended from being associated with all members of such association or from being associated with all brokers or dealers which are members of such exchange, for violation of any rule of such association or exchange which prohibits any act or transaction constituting conduct inconsistent with just and equitable principles of trade, or requires any act the omission of which constitutes conduct inconsistent with just and equitable principles of trade.

“(B) is subject to an order of the Commission denying, suspending for a period not exceeding twelve months, or revoking his registration pursuant to section 15 of this title, or expelling or suspending him from membership in a registered securities association or a national securities exchange, or barring or suspending him from being associated with a broker or dealer.

Ante, pp. 570-574.

“(C) whether prior or subsequent to becoming a broker or dealer, by his conduct while associated with a broker or dealer, was a cause of any suspension, expulsion, or order of the character described in clause (A) or (B) which is in effect with respect to such broker or dealer, and in entering such a suspension, expulsion, or order, the Commission or any such exchange or association shall have jurisdiction to determine whether or not any person was a cause thereof.

“(D) has associated with him any person who is known, or in the exercise of reasonable care should be known, to him to be a person who, if such person were a broker or dealer, would be ineligible for admission to or continuance in membership under clause (A), (B), or (C) of this paragraph.”

(4) Paragraphs (5) through (10) thereof are redesignated as paragraphs (6) through (11), respectively, and a new paragraph (5) is added to read as follows:

“(5) the rules of the association provide that, except with the approval or at the direction of the Commission in cases in which the Commission finds it appropriate in the public interest so to approve or direct, no person shall become a member and no natural person shall become a person associated with a member, unless such person is qualified to become a member or a person associated with a member in conformity with specified and appropriate standards with respect to the training, experience, and such other qualifications of such person as the association finds necessary or desirable, and in the case of a member, the financial responsibility of such member. For the purpose of defining such standards and the application thereof, such rules may—

"(A) appropriately classify prospective members (taking into account relevant matters, including type of business done and nature of securities sold) and persons proposed to be associated with members.

"(B) specify that all or any portion of such standards shall be applicable to any such class.

"(C) require persons in any such class to pass examinations prescribed in accordance with such rules.

"(D) provide that persons in any such class other than prospective members and partners, officers and supervisory employees (which latter term may be defined by such rules and as so defined shall include branch managers of members) of members, may be qualified solely on the basis of compliance with specified standards of training and such other qualifications as the association finds appropriate.

"(E) provide that applications to become a member or a person associated with a member shall set forth such facts as the association may prescribe as to the training, experience, and other qualifications (including, in the case of an applicant for membership, financial responsibility) of the applicant and that the association may adopt procedures for verification of qualifications of the applicant.

"(F) require any class of persons associated with a member to be registered with the association in accordance with procedures specified by such rules (and any application or document supplemental thereto required by such rules of a person seeking to be registered with such association shall, for the purposes of subsection (a) of section 32 of this title, be deemed an application required to be filed under this title)."

48 Stat. 904.
15 USC 78ff.

- (5) Redesignated paragraph (9) is amended to read as follows:

"(9) the rules of the association provide that its members and persons associated with its members shall be appropriately disciplined, by expulsion, suspension, fine, censure, or being suspended or barred from being associated with all members, or any other fitting penalty, for any violation of its rules."

- (6) Redesignated paragraph (10) is amended to read as follows:

"(10) the rules of the association provide a fair and orderly procedure with respect to the disciplining of members and persons associated with members and the denial of membership to any broker or dealer seeking membership therein or the barring of any person from being associated with a member. In any proceeding to determine whether any member or other person shall be disciplined, such rules shall require that specific charges be brought; that such member or person shall be notified of, and be given an opportunity to defend against, such charges; that a record shall be kept; and that the determination shall include—

"(A) a statement setting forth any act or practice in which such member or other person may be found to have engaged, or which such member or other person may be found to have omitted.

"(B) a statement setting forth the specific rule or rules of the association of which any such act or practice, or omission to act, is deemed to be in violation.

"(C) a statement whether the acts or practices prohibited by such rule or rules, or the omission of any act required thereby, are deemed to constitute conduct inconsistent with just and equitable principles of trade.

"(D) a statement setting forth the penalty imposed.

In any proceeding to determine whether a broker or dealer shall be denied membership or whether any person shall be barred from being associated with a member, such rules shall provide that the broker or dealer or person shall be notified of, and be given an opportunity to be heard upon, the specific grounds for denial or bar which are under consideration; that a record shall be kept; and that the determination shall set forth the specific grounds upon which the denial or bar is based."

(7) Section 15A(b) of said Act is further amended by adding at the end thereof the following:

Ante, p. 574.
15 USC 78o-3.

"(12) the rules of the association include provisions governing the form and content of quotations relating to securities sold otherwise than on a national securities exchange which may be disseminated by any member or any person associated with a member, and the persons to whom such quotations may be supplied. Such rules relating to quotations shall be designed to produce fair and informative quotations, both at the wholesale and retail level, to prevent fictitious or misleading quotations, and to promote orderly procedures for collecting and publishing quotations.

The provisions of this subsection, as in effect prior to the date of enactment of the Securities Acts Amendments of 1964, shall be applicable to the rules of any registered securities association which was registered on such date until July 1, 1964. After July 1, 1964, the Commission may, after notice and opportunity for hearing, suspend the registration of any such association if it finds that the rules thereof do not conform to the requirements of this subsection, as amended by section 7 of the Securities Acts Amendments of 1964, and any such suspension shall remain in effect until the Commission issues an order determining that such rules have been modified to conform with such requirements."

(b) Section 15A(d)(2) is amended by striking the figure "(9)" inserting in lieu thereof "(10)", and by inserting "and paragraph (12)," immediately after "inclusive,".

(c) Section 15A(g) is amended to read as follows:

52 Stat. 1070.
15 USC 78o-3.

"(g) If any registered securities association (whether national or affiliated) takes any disciplinary action against any member thereof or any person associated with such a member or denies admission to any broker or dealer seeking membership therein, or bars any person from being associated with a member, such action shall be subject to review by the Commission, on its own motion, or upon application by any person aggrieved thereby filed within thirty days after such action has been taken or within such longer period as the Commission may determine. Application to the Commission for review, or the institution of review by the Commission on its own motion, shall operate as a stay of such action until an order is issued upon such review pursuant to subsection (h), unless the Commission otherwise orders, after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of affidavits and oral arguments)."

(d) Section 15A(h) of said Act is amended to read as follows:

"(h)(1) In a proceeding to review disciplinary action taken by a registered securities association against a member thereof or a person associated with a member, if the Commission, after appropriate notice and opportunity for hearing, upon consideration of the record before the association and such other evidence as it may deem relevant—

"(A) finds that such member or person has engaged in such acts or practices, or has omitted such act, as the association has found him to have engaged in or omitted, and

“(B) determines that such acts or practices, or omission to act, are in violation of such rules of the association as have been designated in the determination of the association, the Commission shall by order dismiss the proceeding, unless it appears to the Commission that such action should be modified in accordance with paragraph (2) of this subsection. The Commission shall likewise determine whether the acts or practices prohibited, or the omission of any act required, by any such rule constitute conduct inconsistent with just and equitable principles of trade, and shall so declare. If it appears to the Commission that the evidence does not warrant the finding required in clause (A), or if the Commission determines that such acts or practices as are found to have been engaged in are not prohibited by the designated rule or rules of the association, or that such act as is found to have been omitted is not required by such designated rule or rules, the Commission shall by order set aside the action of the association.

“(2) If, after appropriate notice and opportunity for hearing, the Commission finds that any penalty imposed upon a member or person associated with a member is excessive or oppressive, having due regard to the public interest, the Commission shall by order cancel, reduce, or require the remission of such penalty.

“(3) In any proceeding to review the denial of membership in a registered securities association or the barring of any person from being associated with a member, if the Commission, after appropriate notice and hearing, and upon consideration of the record before the association and such other evidence as it may deem relevant, determines that the specific grounds on which such denial or bar is based exist in fact and are valid under this section, the Commission shall by order dismiss the proceeding; otherwise, the Commission shall by order set aside the action of the association and require it to admit the applicant broker or dealer to membership therein, or to permit such person to be associated with a member.”

52 Stat. 1070.
15 USC 78o-3.

(e) Section 15A(k)(2) of said Act is amended to read as follows:

“(2) The Commission may in writing request any registered securities association to adopt any specified alteration of or supplement to its rules with respect to any of the matters hereinafter enumerated. If such association fails to adopt such alteration or supplement within a reasonable time, the Commission is authorized by order to alter or supplement the rules of such association in the manner theretofore requested, or with such modifications of such alteration or supplement as it deems necessary if, after appropriate notice and opportunity for hearing, it appears to the Commission that such alteration or supplement is necessary or appropriate in the public interest or for the protection of investors or to effectuate the purposes of this section, with respect to—

“(A) the basis for, and procedure in connection with, the denial of membership or the barring from being associated with a member or the disciplining of members or persons associated with members, or the qualifications required for members or natural persons associated with members or any class thereof.

“(B) the method for adoption of any change in or addition to the rules of the association.

“(C) the method of choosing officers and directors.

“(D) affiliation between registered securities associations.”

(f) Section 15A(l) of said Act is amended (1) by striking out the semicolon at the end of paragraph (1) thereof and inserting a period, and (2) by striking out paragraph (2) and inserting the following:

“(2) after appropriate notice and opportunity for hearing, by order to suspend for a period not exceeding twelve months or

to expel from a registered securities association any member thereof, or to suspend for a period not exceeding twelve months or to bar any person from being associated with a member thereof, if the Commission finds that such member or person—

“(A) has violated any provision of this title or any rule or regulation thereunder, or has effected any transaction for any other person who, he had reason to believe, was violating with respect to such transaction any provision of this title or any rule or regulation thereunder.

“(B) has willfully violated any provision of the Securities Act of 1933, as amended, or of any rule or regulation thereunder, or has effected any transaction for any other person who, he had reason to believe, was willfully violating with respect to such transaction any provision of such Act or rule or regulation.”

48 Stat. 74;
68 Stat. 683.
15 USC 77a-
77z.

SEC. 8. (a) Section 16(a) of the Securities Exchange Act of 1934 is amended to read as follows:

48 Stat. 896.
15 USC 78p.

“SEC. 16. (a) Every person who is directly or indirectly the beneficial owner of more than 10 per centum of any class of any equity security (other than an exempted security) which is registered pursuant to section 12 of this title, or who is a director or an officer of the issuer of such security, shall file, at the time of the registration of such security on a national securities exchange or by the effective date of a registration statement filed pursuant to section 12(g) of this title, or within ten days after he becomes such beneficial owner, director, or officer, a statement with the Commission (and, if such security is registered on a national securities exchange, also with the exchange) of the amount of all equity securities of such issuer of which he is the beneficial owner, and within ten days after the close of each calendar month thereafter, if there has been a change in such ownership during such month, shall file with the Commission (and if such security is registered on a national securities exchange, shall also file with the exchange), a statement indicating his ownership at the close of the calendar month and such changes in his ownership as have occurred during such calendar month.”

Ante, pp. 565-
569.

(b) Section 16 of said Act is further amended by redesignating subsection (d) thereof as (e) and adding a new subsection (d) as follows:

“(d) The provisions of subsection (b) of this section shall not apply to any purchase and sale, or sale and purchase, and the provisions of subsection (c) of this section shall not apply to any sale, of an equity security not then or theretofore held by him in an investment account, by a dealer in the ordinary course of his business and incident to the establishment or maintenance by him of a primary or secondary market (otherwise than on a national securities exchange or an exchange exempted from registration under section 5 of this title) for such security. The Commission may, by such rules and regulations as it deems necessary or appropriate in the public interest, define and prescribe terms and conditions with respect to securities held in an investment account and transactions made in the ordinary course of business and incident to the establishment or maintenance of a primary or secondary market.”

15 USC 78e.

SEC. 9. Section 20(c) of the Securities Exchange Act of 1934 is amended to read as follows:

15 USC 78t.

“(c) It shall be unlawful for any director or officer of, or any owner of any securities issued by, any issuer required to file any document, report, or information under this title or any rule or regulation thereunder without just cause to hinder, delay, or obstruct the making or filing of any such document, report, or information.”

48 Stat. 901.
15 USC 78w.

SEC. 10. Subsection (b) of section 23 of the Securities Exchange Act of 1934 is amended by adding at the end thereof the following new sentence: "The Commission shall include in its annual reports to the Congress for the fiscal years ended on June 30 of 1965, 1966, and 1967 information, data, and recommendations specifically related to the operation of the amendments to this Act made by the Securities Acts Amendments of 1964."

49 Stat. 1380.
15 USC 78ff.

SEC. 11. The first sentence of subsection (b) of section 32 of the Securities Exchange Act of 1934 is amended (1) by striking out "pursuant to an undertaking contained in a registration statement as provided in" and inserting in lieu thereof "required to be filed under" and (2) by inserting immediately after "this title" the following: "or any rule or regulation thereunder".

48 Stat. 77.
15 USC 77d.
68 Stat. 684.
15 USC 77e.

SEC. 12. Section 4 of the Securities Act of 1933 is amended to read as follows:

"SEC. 4. The provisions of section 5 shall not apply to—

"(1) transactions by any person other than an issuer, underwriter, or dealer.

"(2) transactions by an issuer not involving any public offering.

"(3) transactions by a dealer (including an underwriter no longer acting as an underwriter in respect of the security involved in such transaction), except—

"(A) transactions taking place prior to the expiration of forty days after the first date upon which the security was bona fide offered to the public by the issuer or by or through an underwriter,

"(B) transactions in a security as to which a registration statement has been filed taking place prior to the expiration of forty days after the effective date of such registration statement or prior to the expiration of forty days after the first date upon which the security was bona fide offered to the public by the issuer or by or through an underwriter after such effective date, whichever is later (excluding in the computation of such forty days any time during which a stop order issued under section 8 is in effect as to the security), or such shorter period as the Commission may specify by rules and regulations or order, and

"(C) transactions as to securities constituting the whole or a part of an unsold allotment to or subscription by such dealer as a participant in the distribution of such securities by the issuer or by or through an underwriter.

With respect to transactions referred to in clause (B), if securities of the issuer have not previously been sold pursuant to an earlier effective registration statement the applicable period, instead of forty days, shall be ninety days, or such shorter period as the Commission may specify by rules and regulations or order.

"(4) brokers' transactions executed upon customers' orders on any exchange or in the over-the-counter market but not the solicitation of such orders."

54 Stat. 857.
15 USC 77h.

Effective dates.

SEC. 13. The amendments made by this Act shall take effect as follows:

(1) The effective date of section 12(g)(1) of the Securities Exchange Act of 1934, as added by section 3(c) of this Act, shall be July 1, 1964.

(2) The effective date of the amendments to sections 12(b) and 15(a) of the Securities Exchange Act of 1934, contained in sections 3(a) and 6(a), respectively, of this Act, shall be July 1, 1964.

(3) All other amendments contained in this Act shall take effect on the date of its enactment.

Approved August 20, 1964.

Public Law 88-468

AN ACT

August 20, 1964
[S. 1627]

To enable the United States to contribute its share of the expenses of the International Commission for Supervision and Control in Laos as provided in article 18 of the protocol to the declaration on the neutrality of Laos.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the Department of State such sums as may be necessary from time to time for the payment by the United States of its share of the costs of the operations of the International Commission for Supervision and Control in Laos as provided in article 18 of the protocol to the declaration on the neutrality of Laos dated July 23, 1962.

Laos, International Commission.
U.S. expenses.

14 UST 1104.

Approved August 20, 1964.

Public Law 88-469

JOINT RESOLUTION

August 20, 1964
[H. J. Res. 1026]

To amend section 316 of the Agricultural Adjustment Act of 1938 to extend the time by which a lease transferring a tobacco acreage allotment may be filed.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (g) of section 316 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out "1962" wherever it appears in said subsection and substituting therefor "1964"; and by inserting after the word "date" the words "the 1964 amendment to".

76 Stat. 151.
7 USC 1314b.

SEC. 2. Subsection (h) of said section 316 is hereby repealed.

Repeal.

Approved August 20, 1964.

Public Law 88-470

AN ACT

August 21, 1964
[H. R. 9975]

To exempt from taxation certain property of the National Trust for Historic Preservation in the United States in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That certain property in the District of Columbia described as lots numbered 36 and 37 in square numbered 2,517, as recorded in the office of the Surveyor of the District of Columbia in liber 64, at folio 69, together with the improvements thereon and the furnishings therein, being premises numbered 2340 S Street Northwest, known as the Woodrow Wilson House, owned by the National Trust for Historic Preservation in the United States, a corporation chartered by Act of Congress approved October 26, 1949, be exempt from all taxation, so long as the same is used in carrying on the purposes and activities of the National Trust for Historic Preservation in the United States, and is not used for commercial purposes, subject to the provisions of sections 2, 3, and 5 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (56 Stat. 1091; D.C. Code, secs. 47-801c and 47-801e). Use of the premises by agencies of the United States of America or by any organization exempt from Federal income taxation for museum purposes or conference accommodations shall not affect the exemption from taxation provided for herein.

Woodrow Wilson House.
Exemption from taxation.

63 Stat. 927.
16 USC 468.

D.C. Code 47-801b.

Approved August 21, 1964.

Public Law 88-471

August 21, 1964
[H. R. 10215]

AN ACT

Relating to sick leave benefits for officers and members of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police force, and the White House Police force.

Sick leave bene-
fits; extension.
5 USC 2061.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the effective date of this Act the sick leave provisions of the Annual and Sick Leave Act of 1951 (65 Stat. 679) shall, except as otherwise provided in this Act, be applicable to officers and members of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police force, and the White House Police force.

Computation.

SEC. 2. Each officer and member of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia (other than officers and employees of the firefighting division), the United States Park Police force, or the White House Police force so employed on the effective date of this Act shall be credited with an initial sick leave balance, which shall be computed as follows: The total length of service in terms of years, months, and days shall be determined and for each full year of such service, such officer or member shall be credited with five days of sick leave; any period of such service amounting to less than one full year shall be divided into biweekly pay periods and for each such full biweekly pay period, such officer or member shall be credited with sick leave in the amount of five twenty-sixths of a day, but no credit shall be given for any remaining portion of such total service amounting to less than one full biweekly pay period. In any case in which the total amount of such sick leave so computed contains a fraction of a day, such total amount shall be rounded to the next highest full day. The maximum number of days of sick leave so credited to any such officer or member under this section shall be one hundred and forty-five days.

Firefighting
Division.

SEC. 3. Each officer or member of the Firefighting Division of the Fire Department of the District of Columbia so employed on the effective date of this Act shall be credited with an initial sick leave balance which shall be computed as follows: The total length of service in terms of years, months, and days shall be determined and for each full year of such service, such officer or member shall be credited with four days of sick leave; any period of such service amounting to less than one full year shall be divided into biweekly pay periods and for each full biweekly pay period, such officer or member shall be credited with sick leave in the amount of four twenty-sixths of a day, but no credit shall be given for any remaining portion of such service amounting to less than one full biweekly pay period. In any case in which the total amount of such sick leave so computed contains a fraction of a day, such total amount shall be rounded to the next highest full day. The maximum number of days of sick leave so credited to any such officer or member under this section shall be one hundred and sixteen days.

"Service."

SEC. 4. For the purpose of computing the initial sick leave balance as authorized in sections 2 and 3 of this Act, the term "service" as used in such sections shall include (1) periods of employment as an officer or member of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police force, and the White House Police force, and (2) all other periods of employment under the Government of the United States or under the government of the District of Columbia

(including any corporations wholly owned or controlled by the United States), but in no case shall any such periods of employment for which sick leave accrual benefits were not provided or periods of military service be included in the computation of such initial sick leave balance.

SEC. 5. (a) No sick leave shall be charged to the account of any officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia or the United States Park Police force or the White House Police force for periods of absence due to injury or illness resulting from the performance of duty.

Injury in performance of duty.

(b) The determination of whether an injury or disease resulted from the performance of duty shall be made pursuant to regulations promulgated by the Commissioners of the District of Columbia for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia, by the Secretary of the Treasury for the White House Police force and by the Secretary of the Interior for the United States Park Police force.

SEC. 6. (a) Section 202(b)(3) of the Annual and Sick Leave Act of 1951, as amended (5 U.S.C. 2061(b)(3)), is hereby repealed.

65 Stat. 679.

(b) Section 204(a) of such Act, as amended (5 U.S.C. 2063(a)), is amended by striking the period at the end thereof and inserting in lieu thereof a comma and the following: "except that sick leave with pay shall accrue to each officer and member of the Firefighting Division of the Fire Department of the District of Columbia on the basis of two-fifths of a day for each full biweekly pay period."

(c) Section 204(c) of such Act, as amended (5 U.S.C. 2063(c)), is amended by striking the period at the end thereof and inserting in lieu thereof a comma and the following: "except that not to exceed twenty-four days of sick leave may be advanced to each officer and member of the Firefighting Division of the Fire Department of the District of Columbia."

(d) Section 205(e) of such Act, as amended (5 U.S.C. 2064(e)), is amended by striking the period at the end thereof and inserting in lieu thereof a comma and the following: "except that whenever a former officer or member receiving a retirement annuity as provided under the Policemen and Firemen's Retirement and Disability Act, as amended, is reemployed in any position subject to the provisions of this Act, his sick leave balance shall not be recredited to his account upon such subsequent reemployment."

67 Stat. 138.

(e) Section 7 of the Act entitled "An Act to fix the salaries of officers and members of the Metropolitan Police force, the United States Park Police force, and the Fire Department of the District of Columbia", approved May 27, 1924 (43 Stat. 174), as amended (D.C. Code, sec. 4-207), is amended by striking out the last sentence thereof.

(f) Section 2 of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to prescribe the area within which officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia may reside", approved July 25, 1956 (70 Stat. 647; D.C. Code, sec. 4-409a), is amended by striking out the last three sentences thereof.

SEC. 7. (a) The second paragraph under the heading "FOR METROPOLITAN POLICE" in the Act of March 3, 1897 (29 Stat. 677; D.C. Code, sec. 4-179), is repealed.

Repeal.

(b) The last sentence of the first paragraph under the heading "FOR THE FIRE DEPARTMENT" in the Act of March 3, 1897 (29 Stat. 677; D.C. Code, sec. 4-408), is repealed.

SEC. 8. This Act shall take effect on the first day of the first pay period which begins after January 1, 1964.

Effective date.

Approved August 21, 1964.

Public Law 88-472

AN ACT

August 21, 1964
[H. R. 5337]

To increase the partial pay of educational employees of the public schools of the District of Columbia who are on leave of absence for educational improvement, and for other purposes.

D.C.
Educational em-
ployees.
Sabbatical leave
pay.

D.C. Code 31-
634.

76 Stat. 1229;
Ante, p. 431.
D.C. Code 31-
1501.

71 Stat. 46.

D.C. Code 31-
635.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to provide educational employees of the public schools of the District of Columbia with leave of absence, with part pay, for purposes of educational improvement, and for other purposes", approved June 12, 1940 (54 Stat. 349; sec. 31-632 et seq., D.C. Code, 1961 ed.), is amended to read as follows:

"SEC. 3. Any employee in the salary class of elementary and secondary school teachers whose salary is fixed by the first section of the District of Columbia Teachers' Salary Act of 1955, as amended, who is granted leave of absence for educational purposes under the provisions of this Act, shall receive compensation during the period of such leave of absence, such compensation to be equal to one-half of the salary which he would have received and paid in the same manner as if he were on active duty during the period of such leave of absence reduced by (1) the amount of contributions which he is required to make to the retirement fund as provided by the Act entitled 'An Act for the retirement of public school teachers in the District of Columbia' approved August 7, 1946 (60 Stat. 875), as amended (D.C. Code, sec. 31-725, 1961 ed.), (2) any contributions which he may elect to make to group life insurance as provided by the Federal Employees Group Life Insurance Act of 1954 (68 Stat. 736), as amended (5 U.S.C. 2091(a)), and (3) any contributions which he may elect to make to any health benefits plan as provided by the Federal Employees Health Benefits Act of 1959 (73 Stat. 708; 5 U.S.C. 3002)."

SEC. 2. Section 4 of such Act approved June 12, 1940, is amended to read as follows:

"SEC. 4. Any employee whose salary is fixed by the first section of the District of Columbia Teachers' Salary Act of 1955, as amended, other than employees in the salary class of elementary and secondary school teachers, who is granted leave of absence for educational purposes under the provisions of this Act shall receive compensation during the period of such leave of absence, such compensation to be equal to one-half of the salary which he would have received and paid in the same manner as if he were on active duty during the period of such leave of absence or equal to the largest amount to which any employee in the salary class of elementary and secondary school teachers would be entitled if given such educational leave, whichever is less, either payment to be reduced by (1) the amount of contributions which the employee is required to make to the retirement fund as provided by the Act entitled 'An Act for the retirement of public school teachers in the District of Columbia' approved August 7, 1946 (60 Stat. 875), as amended (D.C. Code, sec. 31-725, 1961 ed.), (2) any contributions which he may elect to make to group life insurance as provided by the Federal Employees Group Life Insurance Act of 1954 (68 Stat. 736), as amended (5 U.S.C. 2091(a)), and (3) any contributions which he may elect to make to any health benefits plan as provided by the Federal Employees Health Benefits Act of 1959 (73 Stat. 708; 5 U.S.C. 3002): *Provided*, That during the period of the leave of absence of any employee who is an administra-

tive or supervisory officer, the Board of Education, on the recommendation of the superintendent of schools, may authorize the temporary assignment to his position of any teacher or officer who serves under such officer on leave of absence: *And provided further*, That the position of the teacher or officer so assigned may be filled during the period of such absence by a qualified temporary employee."

SEC. 3. Section 5 of such Act approved June 12, 1940, is amended by striking "teacher or officer" in the two places where it appears therein and inserting, in lieu thereof, "employee".

SEC. 4. This Act shall take effect on and after July 1, 1963.

Approved August 21, 1964.

54 Stat. 350.
D.C. Code 31-636.

Effective date.

Public Law 88-473

AN ACT

August 21, 1964
[H. R. 5044]

To amend the Act entitled "An Act to provide for a mutual-aid plan for fire protection by and for the District of Columbia and certain adjacent communities in Maryland and Virginia, and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to provide for a mutual-aid plan for fire protection by and for the District of Columbia and certain adjacent communities in Maryland and Virginia, and for other purposes", approved August 14, 1950 (64 Stat. 441, D.C. Code, sec. 4-414(b), 1961 edition), is amended (a) by inserting a colon and the subsection designation "(a)" between "shall" and "waive"; (b) by striking the period and inserting a semicolon in lieu thereof; and (c) by adding the following subsection:

D.C.
Fire-fighting
agreements.

"(b) indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury which may arise out of the activities of the other parties to such agreement outside their respective jurisdictions under such agreement."

Approved August 21, 1964.

Public Law 88-474

AN ACT

August 21, 1964
[H. R. 10672]

To provide for the disposition of judgment funds now on deposit to the credit of the Pawnee Tribe of Oklahoma.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Pawnee Tribe of Oklahoma that were appropriated by the Act of May 17, 1963 (Public Law 88-25; 77 Stat. 20), to pay a judgment by the Indian Claims Commission in docket 10, and the interest thereon, after payment of attorney fees and expenses, may be advanced or expended for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Any part of such funds that may be distributed per capita to the members of the tribe shall not be subject to the Federal or State income tax.

Indians.
Pawnee Tribe of
Okla., judgment
funds.

Approved August 21, 1964.

Public Law 88-475

AN ACT

August 21, 1964
[H. R. 11222]

To amend the Horizontal Property Act of the District of Columbia to permit a condominium unit to be located on more than one floor of a building, and for other purposes.

D.C. Horizontal
Property Act,
amendment.
77 Stat. 449.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (a) of section 2 of the Horizontal Property Act of the District of Columbia (D.C. Code, sec. 5-902(a)) is amended by striking out "a floor" and inserting in lieu thereof "one or more floors".

(b) Paragraph (e) of such section 2 (D.C. Code, sec. 5-902(e)) is amended by striking out "(k)" and inserting in lieu thereof "(h)".

77 Stat. 452.

(c) Paragraph (2) of subsection (a) of section 9 of such Act (D.C. Code, sec. 5-909(a)(2)) is amended by inserting immediately after "for each floor" the following: "or floors, in the instance of condominium units consisting of more than one floor," and by striking the semicolon at the end of such paragraph (2) and inserting in lieu thereof the following: ": *Provided*, That when a unit is situated on more than one floor, access shall be provided within the unit between the portion of the unit on any one floor and the portion of the unit on any other floor in addition to any outside access which might be provided to any portion of the unit;"

(d) Paragraph (2) of subsection (a) of section 11 of such Act (D.C. Code, sec. 5-911(a)(2)) is amended by striking out "as provided in section 14(g) of this Act" and inserting in lieu thereof "on the person designated in the bylaws in conformity with section 14(a)(7) of this Act".

(e) Subsection (b) of section 24 of such Act (D.C. Code, sec. 5-924(b)) is amended by striking out "section 14(g)" and inserting in lieu thereof "section 14(a)(7)".

(f) Subsection (a) of section 25 of such Act (D.C. Code, sec. 5-925(a)) is amended by striking out "section 14(g)" and inserting in lieu thereof "section 14(a)(7)".

Approved August 21, 1964.

Public Law 88-476

AN ACT

August 21, 1964
[H. R. 9995]

To amend the Policemen and Firemen's Retirement and Disability Act to allow credit to certain members of the United States Secret Service Division for periods of prior police service.

Secret Service.
Retirement
credit.
71 Stat. 392.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 12 of the Act approved September 1, 1916 (39 Stat. 718; D.C. Code 4-522), as amended, is amended by adding at the end thereof the following sentence: "Any member of the United States Secret Service Division appointed from the White House Police force and assigned to duties directly related to the protection of the President shall receive credit for periods of prior service with the Metropolitan Police force, the United States Park Police force, or the White House Police force toward the required ten years or more service."

Approved August 21, 1964.

Public Law 88-477

AN ACT

August 21, 1964
[H. R. 988]

To authorize the Secretary of the Interior to acquire the Graff House site for inclusion in Independence National Historical Park, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to include in Independence National Historical Park the site of the Graff House where Thomas Jefferson wrote the Declaration of Independence, the Secretary of the Interior is authorized to acquire by purchase, donation, or with donated funds all or any interests in the land and improvements thereon located at the southwest corner of Market and South Seventh Streets, in the city of Philadelphia, State of Pennsylvania, and more particularly described as follows:

Independence
National Historical
Park.

Beginning at a point located at the intersection of the southerly line of Market Street with the westerly line of South Seventh Street, thence southerly along the west side of South Seventh Street 124 feet, thence westerly 50 feet, thence northerly 124 feet, thence easterly 50 feet to the point of beginning.

SEC. 2. The Secretary is further authorized to erect on the site aforesaid, with donated funds, a replica of the Graff House and to furnish and maintain the same.

SEC. 3. The lands hereinbefore described and the building to be erected thereon shall become a part of the Independence National Historical Park and shall be administered in accordance with the laws and regulations applicable thereto.

SEC. 4. There are authorized to be appropriated such sums, but not more than \$200,000, as may be necessary for acquisition of the land described in the first section of this Act: *Provided*, That the Secretary of the Interior shall not obligate or expend any moneys herein authorized to be appropriated for acquisition of the land unless and until commitments are obtained for donations in an amount which in the judgment of the Secretary is sufficient to provide a replica of the Graff House in accordance with section 2.

Appropriation.

Approved August 21, 1964.

Public Law 88-478

AN ACT

August 22, 1964
[S. 927]

To amend title 12 of the Merchant Marine Act, 1936, in order to remove certain limitations with respect to war risk insurance issued under the provisions of such title.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1209 (a) (2) of the Merchant Marine Act, 1936, is amended—

War risk insur-
ance.
Limitations,
removal.
70 Stat. 984.
46 USC 1289.

(1) in the first sentence by striking out all beginning with "*Provided, however*" through "*Provided further*" and inserting in lieu thereof "*Provided*"; and

(2) in the second sentence by striking out all beginning with "*Provided, however*" through "*And provided further*" and insert in lieu thereof "*Provided*".

SEC. 2. The amendments made by this Act shall be applicable to war risk insurance coverage attaching after the date of enactment.

Approved August 22, 1964.

Public Law 88-479

AN ACT

August 22, 1964
[H. R. 10199]

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1965, and for other purposes.

FEDERAL FUNDS

FEDERAL PAYMENT TO DISTRICT OF COLUMBIA

District of
Columbia Appro-
priation Act, 1965.

D.C. Code 47-
1901 to 47-1919.

D.C. Code 40-
808.

D.C. Code 43-
1501 to 43-1541.

68 Stat. 104.
D.C. Code 43-
1602.

74 Stat. 210.
D.C. Code 43-
1621.

D.C. Code 9-
220, 43-1540.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are appropriated for the District of Columbia for the fiscal year ending June 30, 1965, out of (1) the general fund of the District of Columbia (unless otherwise herein specifically provided), hereinafter known as the general fund, such fund being composed of the revenues of the District of Columbia other than those applied by law to special funds, and \$37,500,000, which is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated (to be advanced July 1, 1964), (2) the highway fund (when designated as payable therefrom), established by law (D.C. Code, title 47, ch. 19), including the motor vehicle parking account (when designated as payable therefrom), established by law (Public Law 87-408), (3) the water fund (when designated as payable therefrom), established by law (D.C. Code, title 43, ch. 15), and \$2,047,000, which is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated (to be advanced July 1, 1964), (4) the sanitary sewage works fund (when designated as payable therefrom), established by law (Public Law 364, 83d Congress), and \$1,173,000, which is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated (to be advanced July 1, 1964), and (5) the metropolitan area sanitary sewage works fund (when designated as payable therefrom), established by law (Public Law 85-515); and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$26,400,000, which, together with balances of previous appropriations for this purpose, shall remain available until expended, for loans authorized by the Act of May 18, 1954 (68 Stat. 101), the Act of June 6, 1958 (72 Stat. 183), and the Act of August 27, 1963 (77 Stat. 130), to be advanced upon request of the Commissioners to the following funds: general fund, \$20,000,000; highway fund, \$1,400,000; and sanitary sewage works fund, \$5,000,000.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

For expenses necessary for functions under this general head:

GENERAL OPERATING EXPENSES

General operating expenses, plus so much as may be necessary to compensate the Engineer Commissioner at a rate equal to each civilian member of the Board of Commissioners of the District of Columbia, hereafter in this Act referred to as the Commissioners; \$18,764,000, of which \$375,000 (to remain available until expended) shall be available solely for District of Columbia employees' disability compensation, and \$180,700 shall be payable from the highway fund (including \$50,200 from the motor-vehicle parking account), \$34,100 from the water fund, and \$16,600 from the sanitary sewage works fund: *Pro-*

vided, That the certificate of the Commissioners shall be sufficient voucher for the expenditure of \$2,500 of this appropriation for such purposes, exclusive of ceremony expenses, as they may deem necessary: *Provided further*, That, for the purpose of assessing and reassessing real property in the District of Columbia, \$5,000 of the appropriation shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not in excess of \$100 per diem.

60 Stat. 810.

PUBLIC SAFETY

Public safety, including employment of consulting physicians, diagnosticians, and therapists at rates to be fixed by the Commissioners; purchase of seventy-six passenger motor vehicles (including sixty-seven for police-type use without regard to the general purchase price limitation for the current fiscal year but not in excess of \$100 per vehicle above such limitation) of which sixty-eight are for replacement purposes; \$69,208,000, of which \$157,025 shall be transferred to the judiciary and disbursed by the Administrative Office of the United States Courts for expenses of the Legal Aid Agency for the District of Columbia and \$3,434,800 shall be payable from the highway fund (including \$112,000 from the motor vehicle parking account), \$3,000 from the water fund, and \$3,000 from the sanitary sewage works fund: *Provided*, That not to exceed \$50,000 of any funds from appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Civil Defense for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Commissioners: *Provided further*, That the Fire Department is authorized to replace not to exceed five passenger carrying vehicles annually whenever the cost of repair to any damaged vehicles exceeds three-fourths the cost of the replacement.

EDUCATION

Education, including purchase of fourteen passenger motor vehicles, including two for replacement only, the development of national defense education programs, and for matching Federal grants under the National Defense Education Act of September 2, 1958 (72 Stat. 1580), as amended, \$68,051,000, of which \$678,895 shall be for development of vocational education in the District of Columbia in accordance with the Act of June 8, 1936, as amended.

Section 6 of the Legislative, Executive, and Judicial Appropriation Act, approved May 10, 1916, as amended, shall not apply from July 1 to August 23, 1964, to teachers of the public schools of the District of Columbia when employed by any of the branches of the United States Government or by any department or agency of the District of Columbia government.

20 USC 401
note.
60 Stat. 775;
70 Stat. 925;
72 Stat. 1597.
20 USC 15i
note, 15aaa.
Ante, p. 493.

PARKS AND RECREATION

Parks and recreation, including the purchase, acquisition, and transportation of specimens for the National Zoological Park, \$9,794,000, of which \$25,000 shall be payable from the highway fund.

HEALTH AND WELFARE

Health and welfare, including reimbursement to the United States for services rendered to the District of Columbia by Freedmen's Hospital; and for care and treatment of indigent patients in institutions, including those under sectarian control, under contracts to be

made by the Director of Public Health; and purchase of three passenger motor vehicles including two for replacement only; \$74,670,000: *Provided*, That the inpatient rate and outpatient rate under such contracts, with the exception of Children's Hospital, and for services rendered by Freedmen's Hospital shall not exceed \$34 per diem and the outpatient rate shall not exceed \$5.75 per visit; the inpatient rate and outpatient rate for Children's Hospital shall not exceed \$40 per diem and \$6.75 per visit; and the inpatient rate (excluding the proportionate share for repairs and construction) for services rendered by Saint Elizabeths Hospital for patient care shall be \$9.74 per diem: *Provided further*, That this appropriation shall be available for the furnishing of medical assistance to individuals sixty-five years of age or older who are residing in the District of Columbia without regard to the requirement of one-year residence contained in District of Columbia Appropriation Act, 1946, under the heading "Operating Expenses, Gallinger Municipal Hospital," and this appropriation shall also be available to render assistance to such individuals who are temporarily absent from the District of Columbia: *Provided further*, That the authorization included under the heading "Department of Public Health," in the District of Columbia Appropriation Act, 1961, for compensation of convalescent patients as an aid to their rehabilitation is hereby extended to the Department of Vocational Rehabilitation.

59 Stat. 282.

74 Stat. 21.

HIGHWAYS AND TRAFFIC

Highways and traffic, including \$73,526 for traffic safety education without reference to any other law; \$250 for membership in the American Association of Motor Vehicle Administrators; rental of three passenger-carrying vehicles for use by the Commissioners; and purchase of twenty-one passenger motor vehicles, including thirteen for replacement only; \$13,578,000, of which \$9,300,900 shall be payable from the highway fund (including \$674,100 from the motor vehicle parking account): *Provided*, That this appropriation shall not be available for the purchase of driver-training vehicles.

SANITARY ENGINEERING

Sanitary engineering, including the purchase of fourteen passenger motor vehicles for replacement only, \$21,750,000, of which \$7,248,400 shall be payable from the water fund, \$4,230,200 shall be payable from the sanitary sewage works fund, and \$79,900 shall be payable from the metropolitan area sanitary sewage works fund.

METROPOLITAN POLICE

ADDITIONAL MUNICIPAL SERVICES, INAUGURAL CEREMONIES

Metropolitan Police (additional municipal services, inaugural ceremonies), including payment at basic salary rates for services performed on the day before Inauguration Day, Inauguration Day, and the first day thereafter, by officers and members of the police and fire departments in excess of the regular tours of duty (but not to exceed a total of sixteen hours overtime pay to any individual officer or member performing service on such days) with such overtime earned by firemen chargeable to the appropriation for operating expenses of the Fire Department, \$283,000.

PERSONAL SERVICES, WAGE-BOARD EMPLOYEES

For pay increases and related retirement costs for wage-board employees, to be transferred by the Commissioners of the District of Columbia to the appropriations for the fiscal year 1965 from which said employees are properly payable, \$1,118,200, of which \$75,400 shall be payable from the highway fund, \$103,400 from the water fund, \$68,500 from the sanitary sewage works fund, and \$700 from the metropolitan area sanitary sewage works fund.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with sections 108, 217, and 402 of the Act of May 18, 1954 (68 Stat. 103, 109 and 110), as amended; section 7 of the Act of September 7, 1957 (71 Stat. 619), as amended; section 1 of the Act of June 6, 1958 (72 Stat. 183); and section 4 of the Act of June 12, 1960 (74 Stat. 211), including interest as required thereby, \$5,364,000, of which \$2,213,000 shall be payable from the highway fund, \$1,173,000 shall be payable from the water fund, and \$291,000 shall be payable from the sanitary sewage works fund.

D.C. Code 43-1540, 43-1616, 7-133.
D.C. Code 2-1725.
D.C. Code 9-220; 43-1623.

CAPITAL OUTLAY

For reimbursement to the United States of funds loaned in compliance with section 4 of the Act of May 29, 1930 (46 Stat. 482), as amended, the Act of August 7, 1946 (60 Stat. 896), as amended, the Act of May 14, 1948 (62 Stat. 235), and payments under the Act of July 2, 1954 (68 Stat. 443); construction projects as authorized by the Acts of April 22, 1904 (33 Stat. 244), February 16, 1942 (56 Stat. 91), May 18, 1954 (68 Stat. 105), June 6, 1958 (72 Stat. 183), and August 20, 1958 (72 Stat. 686); including acquisition of sites; preparation of plans and specifications for the following buildings and facilities: new junior high school in the vicinity of 6th Street and Brentwood Parkway Northeast, Wheatley Elementary School addition, new elementary school in the vicinity of 7th and Webster Streets Northwest, Nichols Avenue Elementary School replacement, Tyler Elementary School addition, Chevy Chase Branch Library, Engine Company Number 9 replacement, school and activities building at the Junior Village, shop building at the Cedar Knoll School, a juvenile facility and Incinerator Number 5; erection of the following structures, including building improvement and alteration and the treatment of grounds: new junior high school in the vicinity of 16th and Irving Streets Northwest, Slowe Elementary School addition, new elementary school in the vicinity of Wheeler Road and Mississippi Avenue Southeast, Truesdell Elementary School addition, Mildred Green Elementary School addition, new elementary school in the vicinity of 18th and E Streets Northeast, Raymond Elementary School addition, Ruth K. Webb Elementary School addition, West End Branch Library, McKinley Swimming Pool, Holly and Dogwood Cottages renovation at the District Training School and two street cleaning tool houses; \$901,000 for the purchase of equipment for new school buildings; to remain available until expended, \$58,662,000, of which \$6,830,000 shall not become available for expenditure until July 1, 1965, \$13,185,000 shall be payable from the highway fund, \$2,383,000 shall be payable from the water fund, and \$11,026,000 shall be payable from the sanitary sewage works fund, and \$1,887,000 shall be available for construction services by the Director of Buildings and Grounds or by contract for architectural engineering services, as may be determined by the Commissioners, and the funds for the use of the Director

D.C. Code 11-103.

D.C. Code 43-1510; 40-804; 43-1603; 9-220.

of Buildings and Grounds shall be advanced to the appropriation account, "Construction services, Department of Buildings and Grounds".

GENERAL PROVISIONS

Vouchers.

SEC. 2. Except as otherwise provided herein, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official without countersignature.

Maximum amount.

SEC. 3. Whenever in this Act an amount is specified within an appropriation for particular purposes or object of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount which may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Automobile allowances.

SEC. 4. Appropriations in this Act shall be available, when authorized or approved by the Commissioners, for allowances for privately owned automobiles used for the performance of official duties at 8 cents per mile but not to exceed \$25 a month for each automobile, unless otherwise therein specifically provided, except that one hundred and forty-three (fifty for investigators in the Department of Public Welfare and eighteen for venereal disease investigators in the Department of Public Health) such allowances at not more than \$410 each per annum may be authorized or approved by the Commissioners.

Travel expenses.

SEC. 5. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Commissioners: *Provided*, That the total expenditures for this purpose shall not exceed \$65,000.

60 Stat. 810.

SEC. 6. Appropriations in this Act shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

SEC. 7. The disbursing officials designated by the Commissioners are authorized to advance to such officials as may be approved by the Commissioners such amounts and for such purposes as the Commissioners may determine.

Restrictions.

SEC. 8. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Utilities Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Utilities Commission.

SEC. 9. Appropriations in this Act shall not be available for the payment of rates for electric current for street lighting in excess of 2 cents per kilowatt-hour for current consumed.

Vehicle use.

SEC. 10. All motor-propelled passenger-carrying vehicles (including watercraft) owned by the District of Columbia shall be operated and utilized in conformity with section 16 of the Act of August 2, 1946 (5 U.S.C. 77, 78), and shall be under the direction and control of the Commissioners, who may from time to time alter or change the assignment for use thereof, or direct the alteration of interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in this Act. "Official purposes" shall not apply to the Commissioners of the District of Columbia or in cases of officers and employees the character of whose duties makes such transportation necessary, but only as to such latter cases when the same is approved by the Commissioners.

60 Stat. 810.

SEC. 11. Appropriations contained in this Act for Highways and Traffic, and Sanitary Engineering shall be available for snow and ice control work when ordered by the Commissioners in writing.

Snow removal.

SEC. 12. Appropriations in this Act shall be available, when authorized by the Commissioners, for the rental of quarters without reference to section 6 of the District of Columbia Appropriation Act, 1945.

58 Stat. 532.
D.C. Code 1-243.

SEC. 13. Appropriations in this Act shall be available for the furnishing of uniforms when authorized by the Commissioners.

Judgment pay-
ments.

SEC. 14. There are hereby appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments which have been entered against the government of the District of Columbia, including refunds authorized by section 10 of the Act approved April 23, 1924 (43 Stat. 108): *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of paragraph 3, subsection (c) of section 11 of title XII of the District of Columbia Income and Franchise Tax Act of 1947, as amended.

D.C. Code 47-
1910.

70 Stat. 78.
D.C. Code 47-
1586j.

SEC. 15. Except as otherwise provided herein, limitations and legislative provisions contained in the District of Columbia Appropriation Act, 1961, shall be continued for the fiscal year 1965: *Provided*, That the limitation for "Construction Services, Department of Buildings and Grounds" contained in the District of Columbia Appropriation Act, 1961, shall be increased from 6 to 8 per centum of appropriations for construction projects: *Provided further*, That after June 30, 1964, the limitation of \$50 per diem for experts and consultants under the heading "Public Schools, District of Columbia Appropriation Act, 1961" shall no longer be applicable.

74 Stat. 23.

74 Stat. 19.
Short title.

This Act may be cited as the "District of Columbia Appropriation Act, 1965."

Approved August 22, 1964.

Public Law 88-480

AN ACT

To extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding thirty years, and for other purposes.

August 22, 1964
[H. R. 9653]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2109 of title 39, United States Code, is amended to read as follows:

Postmaster
General.
Leasing author-
ity.
74 Stat. 593.

"§ 2109. Time limitations on agreements

"Agreements may not be entered into under sections 2104 and 2105 of this title after July 22, 1964, and under section 2103 after December 31, 1966."

Approved August 22, 1964.

Public Law 88-481

AN ACT

To provide hospital, domiciliary, and medical care for non-service-connected disabilities to recipients of the Medal of Honor.

August 22, 1964
[S. 1046]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of section 601 of title 38, United States Code, is amended by inserting immediately after "Indian Wars" the following: ", or any veteran awarded the Medal of Honor".

Veterans.
Medal of Honor
holders, hospital-
ization.
72 Stat. 1141.

Approved August 22, 1964.

Public Law 88-482

August 22, 1964
[H. R. 1839]

AN ACT

To provide for the free importation of certain wild animals, and to provide for the imposition of quotas on certain meat and meat products.

Wild birds and
animals.
Free entry.
77A Stat. 420.
19 USC 1202.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) item 852.20 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, August 17, 1963) is amended to read as follows:

“ 852.20	Wild animals (including birds and fish) imported for use, or for sale for use, in any scientific public collection for exhibition for scientific or educational purposes.	Free	Free	”
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(b) Headnote 1 of part 4 of schedule 8 of such title I is amended by striking out “item 850.50,” and inserting in lieu thereof “items 850.50 and 852.20.”

(c) The amendments made by this section shall take effect on the tenth day after the date of the enactment of this Act.

Meat imports,
limitation.

77A Stat. 20.
19 USC 1202.

SEC. 2. (a) It is the policy of the Congress that the aggregate quantity of the articles specified in items 106.10 (relating to fresh, chilled, or frozen cattle meat) and 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of the Tariff Schedules of the United States which may be imported into the United States in any calendar year beginning after December 31, 1964, should not exceed 725,400,000 pounds; except that this quantity shall be increased or decreased for any calendar year by the same percentage that estimated average annual domestic commercial production of these articles in that calendar year and the two preceding calendar years increases or decreases in comparison with the average annual domestic commercial production of these articles during the years 1959 through 1963, inclusive.

(b) The Secretary of Agriculture, for each calendar year after 1964, shall estimate and publish—

(1) before the beginning of such calendar year, the aggregate quantity prescribed for such calendar year by subsection (a), and

(2) before the first day of each calendar quarter in such calendar year, the aggregate quantity of the articles described in subsection (a) which (but for this section) would be imported in such calendar year.

In applying paragraph (2) for the second or any succeeding calendar quarter in any calendar year, actual imports for the preceding calendar quarter or quarters in such calendar year shall be taken into account to the extent data is available.

Presidential
proclamation.

(c) (1) If the aggregate quantity estimated before any calendar quarter by the Secretary of Agriculture pursuant to subsection (b) (2) equals or exceeds 110 percent of the aggregate quantity estimated by him pursuant to subsection (b) (1), and if there is no limitation in effect under this section with respect to such calendar year, the President shall by proclamation limit the total quantity of the articles described in subsection (a) which may be entered, or withdrawn from warehouse, for consumption, during such calendar year, to the aggregate quantity estimated for such calendar year by the Secretary of Agriculture pursuant to subsection (b) (1).

(2) If the aggregate quantity estimated before any calendar quarter by the Secretary of Agriculture pursuant to subsection (b) (2) does not equal or exceed 110 percent of the aggregate quantity estimated by him pursuant to subsection (b) (1), and if a limitation is in effect under this section with respect to such calendar year, such limitation shall cease to apply as of the first day of such calendar quarter;

except that any limitation which has been in effect for the third calendar quarter of any calendar year shall continue in effect for the fourth calendar quarter of such year unless the proclamation is suspended or the total quantity is increased pursuant to subsection (d).

(3) The Secretary of Agriculture shall allocate the total quantity proclaimed under paragraph (1), and any increase in such quantity pursuant to subsection (d), among supplying countries on the basis of the shares such countries supplied to the United States market during a representative period of the articles described in subsection (a), except that due account may be given to special factors which have affected or may affect the trade in such articles. The Secretary of Agriculture shall certify such allocations to the Secretary of the Treasury.

(d) The President may suspend any proclamation made under subsection (c), or increase the total quantity proclaimed under such subsection, if he determines and proclaims that—

Proclamation
suspension.

(1) such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the nation of the economic well-being of the domestic livestock industry;

(2) the supply of articles of the kind described in subsection (a) will be inadequate to meet domestic demand at reasonable prices; or

(3) trade agreements entered into after the date of the enactment of this Act ensure that the policy set forth in subsection (a) will be carried out.

Any such suspension shall be for such period, and any such increase shall be in such amount, as the President determines and proclaims to be necessary to carry out the purposes of this subsection.

(e) The Secretary of Agriculture shall issue such regulations as he determines to be necessary to prevent circumvention of the purposes of this section.

(f) All determinations by the President and the Secretary of Agriculture under this section shall be final.

Approved August 22, 1964.

Public Law 88-483

AN ACT

To declare that eighty acres of land acquired for the Flandreau Boarding School is held by the United States in trust for the Flandreau Santee Sioux Tribe.

August 22, 1964
[H. R. 11052]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in 80 acres of land described as the east half northeast quarter section 16, township 107 north, range 48 west, fifth principal meridian, acquired by the United States for the Flandreau Boarding School at Flandreau, South Dakota, and no longer used for such purposes, together with improvements thereon, are hereby declared to be held by the United States in trust for the Flandreau Santee Sioux Tribe, subject to all valid existing rights-of-way.

Indians.
Flandreau Santee
Sioux Tribe.
Lands.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

25 USC 70a.

Approved August 22, 1964.

Public Law 88-484

August 22, 1964
[H. R. 7301]

AN ACT

To amend section 341 of the Internal Revenue Code of 1954, relating to collapsible corporations, and to amend section 543(a)(2) of such Code, relating to the inclusion of rents in personal holding company income.

Taxes.
Collapsible corporations.
68A Stat. 107;
72 Stat. 1615.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 341 of the Internal Revenue Code of 1954 (relating to collapsible corporations) is amended by striking out "except as provided in subsection (d)," in subsection (a) and inserting in lieu thereof "except as otherwise provided in this section," and by adding after subsection (e) the following new subsection:

"(f) CERTAIN SALES OF STOCK OF CONSENTING CORPORATIONS.—

"(1) IN GENERAL.—Subsection (a)(1) shall not apply to a sale of stock of a corporation (other than a sale to the issuing corporation) if such corporation (hereinafter in this subsection referred to as 'consenting corporation') consents (at such time and in such manner as the Secretary or his delegate may by regulations prescribe) to have the provisions of paragraph (2) apply. Such consent shall apply with respect to each sale of stock of such corporation made within the 6-month period beginning with the date on which such consent is filed.

"(2) RECOGNITION OF GAIN.—Except as provided in paragraph (3), if a subsection (f) asset (as defined in paragraph (4)) is disposed of at any time by a consenting corporation (or, if paragraph (3) applies, by a transferee corporation), then the amount by which—

"(A) in the case of a sale, exchange, or involuntary conversion, the amount realized, or

"(B) in the case of any other disposition, the fair market value of such asset,

exceeds the adjusted basis of such asset shall be treated as gain from the sale or exchange of such asset. Such gain shall be recognized notwithstanding any other provision of this subtitle, but only to the extent such gain is not recognized under any other provision of this subtitle.

"(3) EXCEPTION FOR CERTAIN TAX-FREE TRANSACTIONS.—If the basis of a subsection (f) asset in the hands of a transferee is determined by reference to its basis in the hands of the transferor by reason of the application of section 332, 351, 361, 371(a), or 374(a), then the amount of gain taken into account by the transferor under paragraph (2) shall not exceed the amount of gain recognized to the transferor on the transfer of such asset (determined without regard to this subsection). This paragraph shall apply only if the transferee—

"(A) is not an organization which is exempt from tax imposed by this chapter, and

"(B) agrees (at such time and in such manner as the Secretary or his delegate may by regulations prescribe) to have the provisions of paragraph (2) apply to any disposition by it of such subsection (f) asset.

"(4) SUBSECTION (f) ASSET DEFINED.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'subsection (f) asset' means any property which, as of the date of any sale of stock referred to in paragraph (1), is not a capital asset and is property owned by, or subject to an option to acquire held by, the consenting corporation. For purposes of this subparagraph, land or any interest in real property (other than

68A Stat. 102;
70 Stat. 402.
26 USC 332,
351, 361, 371, 374.

a security interest), and unrealized receivables or fees (as defined in subsection (b)(4)), shall be treated as property which is not a capital asset.

“(B) PROPERTY UNDER CONSTRUCTION.—If manufacture, construction, or production with respect to any property described in subparagraph (A) has commenced before any date of sale described therein, the term ‘subsection (f) asset’ includes the property resulting from such manufacture, construction, or production.

“(C) SPECIAL RULE FOR LAND.—In the case of land or any interest in real property (other than a security interest) described in subparagraph (A), the term ‘subsection (f) asset’ includes any improvements resulting from construction with respect to such property if such construction is commenced (by the consenting corporation or by a transferee corporation which has agreed to the application of paragraph (2)) within 2 years after the date of any sale described in subparagraph (A).

“(5) 5-YEAR LIMITATION AS TO SHAREHOLDER.—Paragraph (1) shall not apply to the sale of stock of a corporation by a shareholder if, during the 5-year period ending on the date of such sale, such shareholder (or any related person within the meaning of subsection (e)(8)(A)) sold any stock of another consenting corporation within any 6-month period beginning on a date on which a consent was filed under paragraph (1) by such other corporation.

“(6) SPECIAL RULE FOR STOCK OWNERSHIP IN OTHER CORPORATIONS.—If a corporation (hereinafter in this paragraph referred to as ‘owning corporation’) owns 5 percent or more in value of the outstanding stock of another corporation on the date of any sale of stock of the owning corporation during a 6-month period with respect to which a consent under paragraph (1) was filed by the owning corporation, such consent shall not be valid with respect to such sale unless such other corporation has (within the 6-month period ending on the date of such sale) filed a valid consent under paragraph (1) with respect to sales of its stock. For purposes of applying paragraph (4) to such other corporation, a sale of stock of the owning corporation to which paragraph (1) applies shall be treated as a sale of stock of such other corporation. In the case of a chain of corporations connected by the 5-percent ownership requirements of this paragraph, rules similar to the rules of the two preceding sentences shall be applied.

“(7) ADJUSTMENTS TO BASIS.—The Secretary or his delegate shall prescribe such regulations as he may deem necessary to provide for adjustments to the basis of property to reflect gain recognized under paragraph (2).”

(b)(1) Subsections (b) and (d) of section 301 (relating to amount distributed), and paragraph (3) of section 312(c) (relating to adjustments of earnings and profits), of the Internal Revenue Code of 1954 are each amended by striking out “section 311” and inserting in lieu thereof “section 311, under section 341(f).”

(2) Subparagraphs (A) and (B) of section 453(d)(4) of such Code (relating to distribution of installment obligations in certain corporate liquidations) are each amended by inserting “section 341(f) or” before “section 1245(a)”.

SEC. 2. The amendments made by the first section of this Act shall apply with respect to transactions after the date of the enactment of this Act in taxable years ending after such date.

68A Stat. 84.
26 USC 301, 312.

Ante, p. 596.
76 Stat. 1035.
26 USC 453.

Effective date.

Personal holding company income.

Rents.
Ante, p. 81.
26 USC 543.

SEC. 3. (a) Section 543(a)(2) of the Internal Revenue Code of 1954 (relating to rents) is amended by adding at the end thereof the following new sentence: "For purposes of applying this paragraph, royalties received for the use of, or for the privilege of using, a patent, invention, model, or design (whether or not patented), secret formula or process, or any other similar property right shall be treated as rent, if such property right is also used by the corporation receiving such royalties in the manufacture or production of tangible personal property held for lease to customers, and if the amount (computed without regard to this sentence) constituting rent from such leases to customers meets the requirements of subparagraph (A)."

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1963.

Approved August 22, 1964.

Public Law 88-485

AN ACT

August 22, 1964
(H. R. 1988)

To provide for the settlement of claims of certain residents of the Trust Territory of the Pacific Islands.

Rongelap Atoll.
Radiation victims, compensation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby assumes compassionate responsibility to compensate inhabitants in the Rongelap Atoll, in the Trust Territory of the Pacific Islands, for radiation exposures sustained by them as a result of a thermonuclear detonation at Bikini Atoll in the Marshall Islands on March 1, 1954.

Appropriation; conditions for payment.

SEC. 2. There is authorized to be appropriated for such purpose out of the Treasury of the United States the sum of \$950,000 to be expended by the Secretary of the Interior (hereinafter referred to as the "Secretary") in the manner hereinafter provided. After deducting the amount provided for in section 5 hereof, the Secretary shall pay the remainder in equal amounts to each of the affected inhabitants of Rongelap, except that (a) with respect to each such inhabitant who has died before receipt of such payment, the Secretary shall pay such sum to the heirs or legatees of such inhabitant, and (b) with respect to any such inhabitant who is less than twenty-one years of age or who has been adjudged incompetent or insane, payment shall be made, in the discretion of the Secretary, to a parent, relative, other person, or institution for his benefit.

SEC. 3. The Secretary shall give advice concerning prudent financial management to each person receiving a payment pursuant to this Act, to the end that each such person will have information as to methods of conserving his funds and as to suitable objects for which such funds may be expended.

SEC. 4. A payment made under the provisions of this Act shall be in full settlement and discharge of all claims against the United States arising out of the thermonuclear detonation on March 1, 1954.

Attorney fees.

SEC. 5. The Secretary is authorized to pay reasonable attorney fees for legal services rendered on behalf of the people of Rongelap prior to the date of enactment of this Act. Such fees shall be paid out of the funds authorized to be appropriated in section 2 of this Act, but the total of such fees paid shall not exceed 5 per centum of the appropriated funds.

SEC. 6. The decisions of the Secretary in carrying out the provisions of this Act shall be final and not subject to review.

Approved August 22, 1964.

Public Law 88-486

AN ACT

August 22, 1964
[H. R. 7441]

To amend the Act entitled "An Act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes", approved March 1, 1899, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes", approved March 1, 1899 (30 Stat. 923, as amended; title 5, ch. 5, D.C. Code, 1961 edition), is amended by striking the term "inspector of buildings" wherever such term appears therein and inserting in lieu thereof "Commissioners". The first sentence of the first section of such Act, as amended, is amended by striking "his opinion" and inserting in lieu thereof "their opinion" and by striking "he shall" and inserting in lieu thereof "they shall".

D.C.
Unsafe struc-
tures, repair or
removal.

49 Stat. 105.

SEC. 2. The first section of such Act, as amended (sec. 5-501, D.C. Code, 1961 edition), is amended by adding at the end thereof the following:

"Commission-
ers."

"The term 'Commissioners' means the Commissioners of the District of Columbia sitting as a board or the agent or agents designated by them to perform any function vested in said Commissioners by this Act."

SEC. 3. Section 3 of such Act, as amended (sec. 5-503, D.C. Code, 1961 edition), is amended by striking the third sentence therefrom.

SEC. 4. Section 4 of the Act of March 1, 1899 (30 Stat. 923), as amended (sec. 5-504, D.C. Code, 1961 edition), is hereby amended (a) by inserting "(a)" immediately after "Sec. 4"; (b) by inserting "any dead, dangerous, or diseased tree, or part thereof," after "excavation," in the first sentence; (c) by striking "excavation," in the second sentence and inserting in lieu thereof "excavation, or any dead, dangerous, or diseased tree, or part thereof,"; (d) by striking "parts thereof or miscellaneous accumulation of material or debris" in such second sentence and inserting in lieu thereof "or parts thereof, any miscellaneous accumulation of material or debris, or any dead or dangerous tree, or part thereof, or the removal or spraying of any diseased tree"; (e) by striking from the second sentence "bear interest at the rate of 10 per centum per annum until paid, and be carried on the regular tax rolls of the District of Columbia and shall be collected in the manner provided for the collection of general taxes" and inserting in lieu thereof "be collected in the manner provided in section 6 of this Act"; (f) by adding at the end of such section 4(a) the following sentence: "Within the meaning of this section, a dead tree shall be any tree with respect to which the Commissioners of the District of Columbia or their designated agent have determined that no part thereof is living; a dangerous tree is any tree or part thereof, living or dead, which the said Commissioners or their designated agent shall find is in such condition and is so located as to constitute a danger to persons or property on public space in the vicinity of such tree; and a diseased tree shall be any tree on private property in such a condition of infection from a major pathogenic disease as to constitute, in the opinion of the said Commissioners or their designated agent, a threat to the health of any other tree.", and (g) by adding at the end thereof the following new subsection:

Trees.
Authority for
removal.
49 Stat. 107.

Post, p. 600.

"(b) The authority conferred on the Commissioners under subsection (a) with respect to the removal of dangerous and diseased trees constituting a nuisance shall be exercised by the Commissioners only

after every reasonable effort has been made to abate such nuisance other than by the removal of any such tree, or part thereof."

Cost and ex-
penses.

SEC. 5. Such Act, as amended, is amended by inserting the following sections immediately after section 4, reading as follows:

"SEC. 5. The Commissioners shall determine the cost and expense of any work performed by them under the authority of the first four sections of this Act, including the cost of making good damage to adjoining premises (except such as may have resulted from carelessness and willful recklessness in the demolition or removal of any structure) less the amount, if any, received from the sale of old material, and shall assess such cost and expense upon the lot or ground whereon such structure, excavation, or nuisance stands, stood, was dug, was located, or existed, and this amount shall be collected in the manner provided in section 6 of this Act. Any person, corporation, partnership, syndicate, or company subject to the provisions of the first three sections of this Act who shall neglect or refuse to perform any act required by such sections shall be punished by a fine not exceeding \$50 for each and every day said person, corporation, partnership, syndicate, or company fails to perform any act required by such sections.

Taxes, payment.

"SEC. 6. Any tax authorized to be levied and collected under this Act may be paid without interest within sixty days from the date such tax was levied. Interest of one-half of 1 per centum for each month or part thereof shall be charged on all unpaid amounts from the expiration of sixty days from the date such tax was levied. Any such tax may be paid in three equal installments with interest thereon. If any such tax or part thereof shall remain unpaid after the expiration of two years from the date such tax was levied, the property against which said tax was levied may be sold for such tax or unpaid portion thereof with interest and penalties thereon at the next ensuing annual tax sale in the same manner and under the same conditions as property sold for delinquent general real estate taxes, if said tax with interest and penalties thereon shall not have been paid in full prior to said sale."

49 Stat. 107.

SEC. 6. Section 5 of such Act, as amended (sec. 5-505, D.C. Code, 1961 edition), is renumbered "SEC. 7." and is amended to read as follows:

Service of
notice.

"SEC. 7. (a) Any notice required by this Act to be served shall be deemed to have been served when served by any of the following methods: (1) When forwarded to the last known address of the owner as recorded in the real estate assessment records of the District of Columbia, by registered or certified mail, with return receipt, and such receipt shall constitute prima facie evidence of service upon such owner if such receipt is signed either by the owner or by a person of suitable age and discretion located at such address: *Provided*, That valid service upon the owner shall be deemed effected if such notice shall be refused by the owner and not delivered for that reason; or (2) when delivered to the person to be notified; or (3) when left at the usual residence or place of business of the person to be notified with a person of suitable age and discretion then resident or employed therein; or (4) if no such residence or place of business can be found in the District of Columbia by reasonable search, then if left with any person of suitable age and discretion employed at the office of any agent of the person to be notified, which agent has any authority or duty with reference to the land or tenement to which said notice relates; or (5) if any such notice forwarded by registered or certified mail be returned for reasons other than refusal, or if personal service of any such notice, as hereinbefore provided, cannot be effected, then if published on three consecutive days in a daily newspaper published

in the District of Columbia; or (6) if by reason of an outstanding unrecorded transfer of title the name of the owner in fact cannot be ascertained beyond a reasonable doubt, then if served on the owner of record in a manner hereinbefore provided. Any notice to a corporation shall, for the purposes of this Act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons holding property in their own right, and notices to a foreign corporation shall, for the purposes of this Act, be deemed to have been served if served personally on any agent of such corporation, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District of Columbia.

“(b) In case such notice is served by any method other than personal service, a copy of such notice shall also be sent to the owner by ordinary mail.”

SEC. 7. Such Act, as amended, is amended by inserting a new section immediately after section 7, as renumbered by this amendatory Act, reading as follows:

“SEC. 8. Whenever the Commissioners find that any building or part of a building, staging, or other structure, or anything attached to or connected with any building or other structure or excavation shall cause a building to be unsafe for human occupancy, they shall give notice of such fact to the owner or other person having an interest in such building, and to the occupant or occupants thereof. If within five days after such notice has been served upon such owner or other interested person, such building or part thereof has not been made safe for human occupancy, the Commissioners may order the use of such building or part thereof discontinued until it has been made safe: *Provided*, That if in the opinion of the Commissioners the unsafe condition of the building or part thereof is such as to be imminently dangerous to the life or limb of any occupant, the Commissioners may order the immediate discontinuance of the use of such building or part thereof. Any person occupying, or permitting the occupancy of, such building or part thereof in violation of such order of the Commissioners shall be fined not more than \$300 or imprisoned for not more than thirty days.”

Evacuation of
unsafe build-
ings, authority.

SEC. 8. Section 6 of such Act, as amended, is renumbered “SEC. 9.”
Approved August 22, 1964.

49 Stat. 108.

Public Law 88-487

AN ACT

To promote the economic and social development of the Trust Territory of the Pacific Islands, and for other purposes.

August 22, 1964
[H. R. 3198]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of June 30, 1954 (68 Stat. 330; 48 U.S.C. 1681), is hereby amended by inserting at the end thereof the following new subsection (b) and by designating the existing section as subsection (a):

“(b) The head of any department, corporation, or other agency of the executive branch of the Government may, upon the request of the Secretary of the Interior, extend to the Trust Territory of the Pacific Islands, with or without reimbursement, scientific, technical, and other assistance under any program administered by such agency, or extend to the Trust Territory any Federal program administered by

Trust Territory
of the Pacific
Islands.
Assistance pro-
grams.

such agency, if the assistance or program will promote the welfare of the Trust Territory, notwithstanding any provision of law under which the Trust Territory may otherwise be ineligible for the assistance or program: *Provided*, That the Secretary of the Interior shall not request assistance pursuant to this subsection that involves, in the aggregate, an estimated nonreimbursable cost in any one fiscal year in excess of \$150,000: *Provided further*, That the cost of any program extended to the Trust Territory under this subsection shall be reimbursable out of appropriations authorized and made for the government of the Trust Territory pursuant to section 2 of this Act, as amended. The provisions of this subsection shall not apply to financial assistance under a grant-in-aid program."

48 USC 1681
note.

76 Stat. 64.

Revolving fund,
abolishment.

SEC. 2. Subsection 303(1) of the Communications Act of 1934 (48 Stat. 1082), as amended (47 U.S.C. 303(1)), is hereby amended by inserting the words: "or citizens of the Trust Territory of the Pacific Islands presenting valid identity certificates issued by the High Commissioner of such Territory," immediately following the words "citizens or nationals of the United States".

SEC. 3. The revolving fund authorized by the Department of the Interior and Related Agencies Appropriation Act, 1956 (69 Stat. 141, 149), to be available during fiscal year 1956 for loans to locally owned private training companies in the Trust Territory of the Pacific Islands, which revolving fund has been continued by subsequent annual appropriation Acts, is hereby abolished, and the total assets of the revolving fund are contributed as a grant to the government of the Trust Territory for use as a development fund within the Trust Territory of the Pacific Islands.

Approved August 22, 1964.

Public Law 88-488

JOINT RESOLUTION

August 22, 1964
[H. J. Res. 1160]

Making continuing appropriations for the fiscal year 1965, and for other purposes.

Continuing ap-
propriations, 1965.
Ante, p. 223.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 29, 1964 (Public Law 88-325), is hereby amended by striking out "August 31, 1964" and inserting in lieu thereof "September 30, 1964".

Approved August 22, 1964.

Public Law 88-489

AN ACT

August 26, 1964
[S. 3075]

To amend the Atomic Energy Act of 1954, as amended, and for other purposes.

Private Owner-
ship of Special
Nuclear Materials
Act.

68 Stat. 921.
42 USC 2012.

42 USC 2013.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 2 b. of the Atomic Energy Act of 1954, as amended, is deleted.

SEC. 2. Subsection 2 h. of the Atomic Energy Act of 1954, as amended, is deleted.

SEC. 3. Subsection 3 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. a program for Government control of the possession, use, and production of atomic energy and special nuclear material, whether owned by the Government or others, so directed as to make the maximum contribution to the common defense and secu-

urity and the national welfare, and to provide continued assurance of the Government's ability to enter into and enforce agreements with nations or groups of nations for the control of special nuclear materials and atomic weapons."

SEC. 4. Section 52 of the Atomic Energy Act of 1954, as amended, is repealed. All rights, title, and interest in and to any special nuclear material vested in the United States solely by virtue of the provisions of the first sentence of such section 52, and not by any other transaction authorized by the Atomic Energy Act of 1954, as amended, or other applicable law, are hereby extinguished.

Repeal.
42 USC 2072.

SEC. 5. Subsection 53 a. of the Atomic Energy Act of 1954, as amended, between the words "The Commission" and "such material" is amended to read as follows:

Nuclear material, licenses.
42 USC 2073.

"a. The Commission is authorized (i) to issue licenses to transfer or receive in interstate commerce, transfer, deliver, acquire, possess, own, receive possession of or title to, import, or export under the terms of an agreement for cooperation arranged pursuant to section 123, special nuclear material, (ii) to make special nuclear material available for the period of the license, and, (iii) to distribute special nuclear material within the United States to qualified applicants requesting such material—"

42 USC 2153.

SEC. 6. Subsection 53 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

Distribution.

"c. (1) The Commission may distribute special nuclear material licensed under this section by sale, lease, lease with option to buy, or grant: *Provided, however,* That unless otherwise authorized by law, the Commission shall not after December 31, 1970, distribute special nuclear material except by sale to any person who possesses or operates a utilization facility under a license issued pursuant to section 103 or 104 b. for use in the course of activities under such license; nor shall the Commission permit any such person after June 30, 1973, to continue leasing for use in the course of such activities special nuclear material previously leased to such person by the Commission.

42 USC 2133,
2134.

"(2) The Commission shall establish reasonable sales prices for the special nuclear material licensed and distributed by sale under this section. Such sales prices shall be established on a nondiscriminatory basis which, in the opinion of the Commission, will provide reasonable compensation to the Government for such special nuclear material.

"(3) The Commission is authorized to enter into agreements with licensees for such period of time as the Commission may deem necessary or desirable to distribute to such licensees such quantities of special nuclear material as may be necessary for the conduct of the licensed activity. In such agreements, the Commission may agree to repurchase any special nuclear material licensed and distributed by sale which is not consumed in the course of the licensed activity, or any uranium remaining after irradiation of such special nuclear material, at a repurchase price not to exceed the Commission's sale price for comparable special nuclear material or uranium in effect at the time of delivery of such material to the Commission.

Agreements.

"(4) The Commission may make a reasonable charge, determined pursuant to this section, for the use of special nuclear material licensed and distributed by lease under subsection 53 a. (1), (2) or (4) and shall make a reasonable charge determined pursuant to this section for the use of special nuclear material licensed and distributed by lease under subsection 53 a. (3). The Commission shall establish criteria in writing for the determination of whether special nuclear

Charges.

68 Stat. 930.
42 USC 2073.

material will be distributed by grant and for the determination of whether a charge will be made for the use of special nuclear material licensed and distributed by lease under subsection 53 a. (1), (2) or (4), considering, among other things, whether the licensee is a nonprofit or eleemosynary institution and the purposes for which the special nuclear material will be used."

SEC. 7. Subsection 53 d. of the Atomic Energy Act of 1954, as amended, is amended by adding the words "by lease" after the word "distributed", and by amending subsection d. (5) to read as follows:

42 USC 2133.

"(5) with respect to special nuclear material consumed in a facility licensed pursuant to section 103, the Commission shall make a further charge equivalent to the sale price for similar special nuclear material established by the Commission in accordance with subsection 53 c. (2), and the Commission may make such a charge with respect to such material consumed in a facility licensed pursuant to section 104."

42 USC 2134.

SEC. 8. Subsection 53 e. of the Atomic Energy Act of 1954, as amended, is amended by deleting subsection 53 e. (1).

Purchase of
special nuclear
material.

42 USC 2074.

SEC. 9. Section 54 of the Atomic Energy Act of 1954, as amended, is amended by adding the following at the end thereof:

"The Commission may agree to repurchase any special nuclear material distributed under a sale arrangement pursuant to this section which is not consumed in the course of the activities conducted in accordance with the agreement for cooperation, or any uranium remaining after irradiation of such special nuclear material, at a repurchase price not to exceed the Commission's sale price for comparable special nuclear material or uranium in effect at the time of delivery of such material to the Commission. The Commission may also agree to purchase, consistent with and within the period of the agreement for cooperation, special nuclear material produced in a nuclear reactor located outside the United States through the use of special nuclear material which was leased or sold pursuant to this section. Under any such agreement, the Commission shall purchase only such material as is delivered to the Commission during any period when there is in effect a guaranteed purchase price for the same material produced in a nuclear reactor by a person licensed under section 104, established by the Commission pursuant to section 56, and the price to be paid shall be the price so established by the Commission and in effect for the same material delivered to the Commission."

Acquisition.
42 USC 2075.

SEC. 10. Section 55 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"SEC. 55. ACQUISITION.—The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to purchase without regard to the limitations in section 54 or any guaranteed purchase prices established pursuant to section 56, and to take, requisition, condemn, or otherwise acquire any special nuclear material or any interest therein. Any contract of purchase made under this section may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advance payments may be made under contracts for such purposes. Just compensation shall be made for any right, property, or interest in property taken, requisitioned, or condemned under this section."

41 USC 5.

SEC. 11. Section 56 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

Guaranteed purchase prices.
68 Stat. 931.
42 USC 2076.

"SEC. 56. GUARANTEED PURCHASE PRICES.—The Commission shall establish guaranteed purchase prices for plutonium produced in a nuclear reactor by a person licensed under section 104 and delivered to the Commission before January 1, 1971. The Commission shall also establish for such periods of time as it may deem necessary but not to exceed ten years as to any such period, guaranteed purchase prices for uranium enriched in the isotope 233 produced in a nuclear reactor by a person licensed under section 104 and delivered to the Commission within the period of the guarantee. Guaranteed purchase prices established under the authority of this section shall not exceed the Commission's determination of the estimated value of plutonium or uranium enriched in the isotope 233 as fuel in nuclear reactors, and such prices shall be established on a nondiscriminatory basis: *Provided*, That the Commission is authorized to establish such guaranteed purchase prices only for such plutonium or uranium enriched in the isotope 233 as the Commission shall determine is produced through the use of special nuclear material which was leased or sold by the Commission pursuant to section 53."

42 USC 2134.

SEC. 12. Section 57 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

Unauthorized handling.
42 USC 2077.

"SEC. 57. PROHIBITION.—

"a. Unless authorized by a general or specific license issued by the Commission, which the Commission is authorized to issue pursuant to section 53, no person may transfer or receive in interstate commerce, transfer, deliver, acquire, own, possess, receive possession of or title to, or import into or export from the United States any special nuclear material.

"b. It shall be unlawful for any person to directly or indirectly engage in the production of any special nuclear material outside of the United States except (1) under an agreement for cooperation made pursuant to section 123, or (2) upon authorization by the Commission after a determination that such activity will not be inimical to the interest of the United States.

42 USC 2153.

"c. The Commission shall not—

"(1) distribute any special nuclear material to any person for a use which is not under the jurisdiction of the United States except pursuant to the provisions of section 54; or

"(2) distribute any special nuclear material or issue a license pursuant to section 53 to any person within the United States if the Commission finds that the distribution of such special nuclear material or the issuance of such license would be inimical to the common defense and security or would constitute an unreasonable risk to the health and safety of the public."

SEC. 13. Section 58 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

Congressional review.
71 Stat. 275.
42 USC 2078.

"SEC. 58. REVIEW.—Before the Commission establishes any guaranteed purchase price or guaranteed purchase price period in accordance with the provisions of section 56, or establishes any criteria for the waiver of any charge for the use of special nuclear material licensed and distributed under section 53, the proposed guaranteed purchase price, guaranteed purchase price period, or criteria for the waiver of such charge shall be submitted to the Joint Committee and a

period of forty-five days shall elapse while Congress is in session (in computing such forty-five days there shall be excluded the days in which either House is not in session because of adjournment for more than three days) : *Provided, however*, That the Joint Committee, after having received the proposed guaranteed purchase price, guaranteed purchase price period, or criteria for the waiver of such charge, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five-day period."

68 Stat. 938.
42 USC 2135.

SEC. 14. Section 105 of the Atomic Energy Act of 1954, as amended, is amended by deleting the phrase "including the provisions which vest title to all special nuclear material in the United States," from the first sentence of subsection 105 a.

42 USC 2153.

SEC. 15. Section 123 of the Atomic Energy Act of 1954, as amended, is amended by adding "53," after the word "sections" in the first sentence.

Contract au-
thority.
42 USC 2201.

SEC. 16. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding thereto the following new subsection :

"v. (A) enter into contracts with persons licensed under sections 53, 63, 103 or 104 for such periods of time as the Commission may deem necessary or desirable to provide, after December 31, 1968, for the producing or enriching of special nuclear material in facilities owned by the Commission; and

"(B) enter into contracts to provide, after December 31, 1968, for the producing or enriching of special nuclear material in facilities owned by the Commission in accordance with and within the period of an agreement for cooperation arranged pursuant to section 123 while comparable services are made available pursuant to paragraph (A) of this subsection :

Provided, That (i) prices for services under paragraph (A) of this subsection shall be established on a nondiscriminatory basis; (ii) prices for services under paragraph (B) of this subsection shall be no less than prices under paragraph (A) of this subsection; and (iii) any prices established under this subsection shall be on a basis which will provide reasonable compensation to the Government: *And provided further*, That the Commission, to the extent necessary to assure the maintenance of a viable domestic uranium industry, shall not offer such services for source or special nuclear materials of foreign origin intended for use in a utilization facility within or under the jurisdiction of the United States. The Commission shall establish criteria in writing setting forth the terms and conditions under which services provided under this subsection shall be made available including the extent to which such services will be made available for source or special nuclear material of foreign origin intended for use in a utilization facility within or under the jurisdiction of the United States: *Provided*, That before the Commission establishes such criteria, the proposed criteria shall be submitted to the Joint Committee, and a period of forty-five days shall elapse while Congress is in session (in computing the forty-five days there shall be excluded the days in which either House is not in session because of adjournment for more than three days) unless the Joint Committee by resolution in writing waives the conditions of, or all or any portion of, such forty-five-day period."

42 USC 2221.

SEC. 17. Section 171 of the Atomic Energy Act of 1954, as amended, is amended by deleting the phrase "52 (with respect to the material for

which the United States is required to pay just compensation),” from the first sentence; and by adding “55” after “43,” in the first sentence.

SEC. 18. Subsection 183 a. of the Atomic Energy Act of 1954, as amended, is deleted.

42 USC 2233.

SEC. 19. Section 184 of the Atomic Energy Act of 1954, as amended, is amended by adding the words “or special nuclear material,” after “other lien upon any facility” in the second sentence; and by deleting the word “property” in the second sentence and substituting the word “facility” in lieu thereof.

42 USC 2234.

SEC. 20. Nothing in this Act shall be deemed to diminish existing authority of the United States, or of the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, to regulate source, byproduct, and special nuclear material and production and utilization facilities, or to control such materials and facilities exported from the United States by imposition of governmental guarantees and security safeguards with respect thereto, in order to assure the common defense and security and to protect the health and safety of the public, or to reduce the responsibility of the Atomic Energy Commission to achieve such objectives.

68 Stat. 919.
42 USC 2011
note.

SEC. 21. This Act may be cited as the “Private Ownership of Special Nuclear Materials Act.”

Short title.

Approved August 26, 1964.

Public Law 88-490

AN ACT

To amend section 41(a) of the Trading With the Enemy Act.

August 26, 1964
[S. 1451]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 41(a) of the Trading With the Enemy Act (50 U.S.C. App. 42(a)), as added thereto by section 206 of the Act of October 22, 1962 (76 Stat. 1115), is amended by—

Trading With
the Enemy Act,
amendment.

(1) striking out in the first sentence thereof the words “report to the Congress concerning”, and inserting in lieu thereof the words “render judgment upon”;

(2) striking out in the second sentence thereof the words “one year after the date of the enactment of this Act”, and inserting in lieu thereof the words “two years after the date of enactment of this section”.

Approved August 26, 1964.

Public Law 88-491

AN ACT

To preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam.

August 27, 1964
[S. 502]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no licenses or permits shall be issued under the Federal Power Act (16 U.S.C. 791a-823) nor any applications for such licenses or permits be accepted for filing for the reach of the Colorado River between Glen Canyon Dam and Lake Mead during the period ending December 31, 1966: *Provided*, That nothing herein shall change or affect for the purposes of any action which may be taken subsequent to such date the present status, equities, position, rights, or priorities of any parties to applications pending on the date of the enactment of this Act.

Colorado River.
Hydroelectric
projects.
41 Stat. 1063;
49 Stat. 838.
16 USC 824-
825r.

Approved August 27, 1964.

Public Law 88-492

August 27, 1964
[S. 16]

AN ACT

To provide for the establishment of the Ozark National Scenic Riverways in the State of Missouri, and for other purposes.

Ozark National
Scenic Riverways,
Mo.
Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of conserving and interpreting unique scenic and other natural values and objects of historic interest, including preservation of portions of the Current River and the Jacks Fork River in Missouri as free-flowing streams, preservation of springs and caves, management of wildlife, and provisions for use and enjoyment of the outdoor recreation resources thereof by the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall designate for establishment as the Ozark National Scenic Riverways the area (hereinafter referred to as "such area") generally depicted on map numbered NR OZA 7002 entitled "Proposed Ozark National Rivers" dated December 1963 which map is on file for public inspection in the office of the National Park Service, Department of the Interior: *Provided*, That the area so designated shall not include more than sixty-five thousand acres of land now in private ownership and that no lands shall be designated within two miles of the present boundaries of the municipalities of Eminence and Van Buren, Missouri. The Secretary, with the concurrence of the State, shall designate for inclusion in the Ozark National Scenic Riverways, the lands composing Big Springs, Alley Springs, and Round Spring State Parks, and the Secretary is hereby directed to negotiate with the State for the donation and the inclusion of such park lands in the Ozark National Scenic Riverways.

Acquisition of
land, etc.

SEC. 2. The Secretary may, within the area designated or altered pursuant to section 4, acquire lands and interests therein, including scenic easements, by such means as he may deem to be in the public interest: *Provided*, That scenic easements may only be acquired with the consent of the owner of the lands or waters thereof: *And provided further*, That any parcel of land containing not more than five hundred acres, which borders either the Current River or the Jacks Fork River, and which is being primarily used for agricultural purposes, shall be acquired by the Secretary in its entirety unless the owner of any such parcel consents to the acquisition of a part thereof. Property so acquired which lies outside the boundary generally depicted on the map referred to in section 1 of this Act may be exchanged by the Secretary for any land of approximately equal value within the boundaries. Lands and waters owned by the State of Missouri within such area may be acquired only with the consent of the State. Federally owned lands or waters lying within such area shall, upon establishment of the area pursuant to section 4 hereof, be transferred to the administrative jurisdiction of the Secretary, without transfer of funds, for administration as part of the Ozark National Scenic Riverways.

SEC. 3. Any owner or owners, including beneficial owners (hereinafter in this section referred to as "owner"), of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of the improved property for noncommercial residential purposes for a term ending at the death of such owner, or the death of his spouse, or at the death of the survivor of either of them. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

SEC. 4. When the Secretary determines that lands and waters, or interests therein, have been acquired by the United States in sufficient quantity to provide an administrable unit, he shall declare establishment of the Ozark National Scenic Riverways by publication of notice in the Federal Register. The Secretary may thereafter alter such boundaries from time to time, except that the total acreage in the Ozark National Scenic Riverways shall not exceed sixty-five thousand acres, exclusive of land donated by the State of Missouri or its political subdivisions and of federally owned land transferred pursuant to section 2 of this Act.

Publication in
Federal Register.

SEC. 5. (a) In furtherance of the purposes of this Act, the Secretary is authorized to cooperate with the State of Missouri, its political subdivisions, and other Federal agencies and organizations in formulating comprehensive plans for the Ozark National Scenic Riverways and for the related watershed of the Current and Jacks Fork Rivers in Missouri, and to enter into agreements for the implementation of such plans. Such plans may provide for land use and development programs, for preservation and enhancement of the natural beauty of the landscape, and for conservation of outdoor resources in the watersheds of the Current and Jacks Fork Rivers.

Cooperative land
development pro-
grams.

(b) The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the Ozark National Scenic Riverways area in accordance with applicable Federal and State laws. The Secretary may designate zones where, and establish periods when, no hunting shall be permitted, for reasons of public safety, administration, or public use and enjoyment and shall issue regulations after consultation with the Conservation Commission of the State of Missouri.

SEC. 6. The Ozark National Scenic Riverways shall be administered in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and in accordance with other laws of general application relating to the areas administered and supervised by the Secretary through the National Park Service; except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

Administration.

16 USC 1-4.

SEC. 7. (a) There is hereby established an Ozark National Scenic Riverways Commission. The Commission shall cease to exist ten years after the date of establishment of the area pursuant to section 4 of this Act.

Commission,
establishment.

(b) The Commission shall be composed of seven members each appointed for a term of two years by the Secretary as follows:

Members.

(1) Four members to be appointed from recommendations made by the members of the county court in each of the counties in which the Ozark National Scenic Riverways is situated (Carter, Dent, Shannon, and Texas), one member from the recommendations made by each such court;

(2) Two members to be appointed from recommendations of the Governor of the State of Missouri; and

(3) One member to be designated by the Secretary.

(c) The Secretary shall designate one member to be chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation. The Secretary shall reimburse members of the Commission for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

Reimbursements.

(e) The Secretary or his designee shall from time to time consult with the members of the Commission with respect to matters relating to the development of the Ozark National Scenic Riverways, and shall consult with the members with respect to carrying out the provisions of this Act.

(f) It shall be the duty of the Commission to render advice to the Secretary from time to time upon matters which the Secretary may refer to it for its consideration.

Appropriation.

SEC. 8. There are hereby authorized to be appropriated such sums (but not more than \$7,000,000 for the acquisition of lands or interests in lands) as are necessary to carry out the purposes of this Act.

Approved August 27, 1964.

Public Law 88-493

AN ACT

August 27, 1964
[S. 1917]

To provide authority to protect heads of foreign states and other officials.

Foreign offi-
cials.
Protection.
62 Stat. 688.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 112 of title 18, United States Code, is amended to read as follows:

“§ 112. Assaulting certain foreign diplomatic and other official personnel

Penalties.

“Whoever assaults, strikes, wounds, imprisons, or offers violence to the person of a head of foreign state or foreign government, foreign minister, ambassador or other public minister, in violation of the law of nations, shall be fined not more than \$5,000, or imprisoned not more than three years, or both.

“Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.”

SEC. 2. The analysis in chapter 7, title 18, United States Code, is amended by deleting

“112. Assaulting public minister”

and inserting in lieu thereof

“112. Assaulting certain foreign diplomatic and other official personnel”.

65 Stat. 721.

SEC. 3. Section 1114 of title 18, United States Code, is amended by inserting immediately before “while engaged in the performance of his official duties,” the following: “or any security officer of the Department of State or the Foreign Service,”.

Powers of
arrest.

SEC. 4. The Act of June 28, 1955 (ch. 199, 69 Stat. 188; 5 U.S.C. 170e) is amended by adding a new section at the end thereof, to read as follows:

“SEC. 2. Security officers of the Department of State and the Foreign Service engaged in the performance of the duties prescribed in section 1 of this Act are empowered to arrest without warrant and deliver into custody any person violating section 111 or 112 of title 18, United States Code, in their presence or if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a violation.”

SEC. 5. Nothing contained in this Act shall create immunity from criminal prosecution under any laws in any State, Commonwealth of Puerto Rico, territory, possession, or the District of Columbia.

Approved August 27, 1964.

Public Law 88-494

AN ACT

August 27, 1964
[S. 51]

To authorize the Secretary of Agriculture to relinquish to the State of Wyoming jurisdiction over those lands within the Medicine Bow National Forest known as the Pole Mountain District.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture is authorized to relinquish to the State of Wyoming such measure as he may deem desirable of legislative jurisdiction heretofore acquired by the United States over lands within the Medicine Bow National Forest constituting the area known as the Pole Mountain District, created by Executive Order Numbered 4245, dated June 5, 1925, as amended by public land order numbered 1897, dated July 10, 1959.

Medicine Bow
National Forest,
Wyo.
Lands.

24 F.R. 5721.

(b) Relinquishment of jurisdiction under the authority of this Act may be made by filing with the Governor of the State of Wyoming a notice of such relinquishment, which shall take effect upon acceptance thereof by the State of Wyoming in such manner as the laws of such State may prescribe.

Approved August 27, 1964.

Public Law 88-495

AN ACT

August 27, 1964
[S. 2419]

To authorize the Secretary of the Interior to condemn certain property in the city of Saint Augustine, Florida, within the boundary of the Castillo de San Marcos National Monument, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions in section 1(b) of the Act entitled "An Act to add certain lands to Castillo de San Marcos National Monument in the State of Florida", approved July 5, 1960 (74 Stat. 317; 319), that certain lands may be acquired only by negotiation, the Secretary of the Interior is authorized to acquire the following described land, interests therein, and improvements thereon, for the purposes of said Act by condemnation with funds that are hereby authorized to be appropriated for that purpose:

Castillo de San
Marcos National
Monument, Fla.

All of lots 1 and 5 of block 6 less and except that portion acquired by the Florida Highway Department in 1959 in connection with relocated State Route A-1-A, as shown on the subdivision plat of the city of Saint Augustine prepared June 12, 1923, and filed in the official plat book in the circuit clerk's office of Saint Johns County, Florida, lying northeast of a survey line which is the southerly boundary of the proposed Castillo Drive shown on that certain map in three sheets prepared by E. W. Pacetti and Associates, April 23, 1960, and revised June 2, 1960 (map numbered NM-CSM-3012), and more particularly described as follows:

Beginning at a point on the survey line which is south 53 degrees 05 minutes west a distance of 24.0 feet from survey station 31+81.00 of Florida State Highways A-1-A and 5, section 7801-114 being station 0+00 of the proposed relocated highway; thence, south 36 degrees 55 minutes east a distance of 7.46 feet to a point; thence, on a curve to the right with a radius of 612.0 feet for a distance of 160.22 feet to a point which is station 1+67.68; thence, south 21 degrees

55 minutes east for a distance of 185.22 feet to a point which is station 3+52.90; thence, on a curve to the left with a radius of 465.0 feet for a distance of 328.69 feet to a point which is station 6+81.59; thence, south 62 degrees 25 minutes east for a distance of 251.13 feet to a point which is station 9+32.72; thence, on a curve to the right with a radius of 158.0 feet for a distance of 158.98 feet to the end of this survey line description and being station 10+91.70 of the proposed relocated highway, containing 3,850 square feet more or less.

Approved August 27, 1964.

Public Law 88-496

JOINT RESOLUTION

August 27, 1964
[S. J. Res. 162]

Extending recognition to the International Exposition for Southern California in the year 1968 and authorizing the President to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition.

Whereas the International Exposition for Southern California, to be held at Long Beach, California, in the year 1968, the Planet of Man Exposition, will depict the role of arts and sciences, commerce and industry, as it applies to the life of mankind on the planet of Earth; and

Whereas the exposition will encompass the five phases of man's life in the realms of living, learning, working, moving, and playing; and

Whereas the exposition will exhibit the various cultures of the nations of the Earth; and

Whereas the exposition will provide an adequate medium for interchange of information by which all people may evaluate the attainments of men of other nations; and

Whereas the exposition will encourage tourist travel to the United States, and stimulate foreign trade; and

Whereas the exposition has met with enthusiastic response from official bodies, organizations, and individuals in California, Los Angeles County, and the city of Long Beach: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby recognizes the International Exposition for Southern California in the year 1968 as an event designed to develop and intensify a climate of good will and understanding among men and nations, thereby promoting a lasting peace among all people on the planet of the Earth.

SEC. 2. To implement the recognition declared in the first section of this Act, the President, at such time as he deems appropriate, is authorized and requested to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition.

SEC. 3. The joint resolution approved August 31, 1962 (76 Stat. 414), is repealed.

Approved August 27, 1964.

International Exposition for Southern California, 1968.

Proclamation.

Repeal.

Public Law 88-497

AN ACT

August 27, 1964
[H. R. 11083]

To amend the Public Health Service Act to extend the authorization for assistance in the provision of graduate or specialized public health training, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Graduate Public Health Training Amendments of 1964".

Graduate Public
Health Training
Amendments of
1964.

SEC. 2. (a) Subsection (a) of section 306 of the Public Health Service Act (42 U.S.C. 242d), relating to traineeships for professional public health personnel, is amended by striking out "seven" and inserting in lieu thereof "twelve" and by inserting immediately after "Congress may determine," the following: "but not to exceed \$4,500,000 for the fiscal year ending June 30, 1965, \$7,000,000 for the fiscal year ending June 30, 1966, \$8,000,000 for the fiscal year ending June 30, 1967, and \$10,000,000 each for the fiscal year ending June 30, 1968, and the succeeding fiscal year."

70 Stat. 923.

(b) Subsection (e) of such section is amended by adding at the end thereof the following new sentence: "The Surgeon General shall, between June 30, 1967, and December 1, 1967, call a similar conference, and shall submit to the Congress, on or before January 1, 1968, a report of such conference, including any recommendations by it relating to the limitation, extension, or modification of this section."

73 Stat. 239.
Report to
Congress.

SEC. 3. (a) Subsection (a) of section 309 of the Public Health Service Act (42 U.S.C. 242g), relating to project grants to schools for graduate public health training, is amended by striking out "June 30, 1965" and inserting in lieu thereof "June 30, 1964, \$2,500,000 for the fiscal year ending June 30, 1965, \$4,000,000 for the fiscal year ending June 30, 1966, \$5,000,000 for the fiscal year ending June 30, 1967, \$7,000,000 for the fiscal year ending June 30, 1968, and \$9,000,000 for the fiscal year ending June 30, 1969".

74 Stat. 819.

(b) Effective in the case of grants from appropriations for any fiscal year beginning after June 30, 1964, such subsection (a) is amended by striking out "and to those schools of nursing or engineering which provide graduate or specialized training in public health for nurses or engineers, for the purpose of strengthening or expanding graduate public health training in such schools" and inserting in lieu thereof "and to other public or nonprofit private institutions providing graduate or specialized training in public health, for the purpose of strengthening or expanding graduate or specialized public health training in such institutions".

(c) Subsection (b) of such section is amended by striking out "schools" wherever it appears therein and inserting in lieu thereof "institutions".

Approved August 27, 1964.

Public Law 88-498

August 30, 1964
[S. 1006]

AN ACT

To amend the Act of June 12, 1960, for the correction of inequities in the construction of fishing vessels, and for other purposes.

United States
Fishing Fleet
Improvement Act,
amendment.
46 USC 1401-
1413.

Construction
subsidies.

Transfers to
other fisheries.

Expiration date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 12, 1960, as amended, may be cited as the "United States Fishing Fleet Improvement Act".

SEC. 2. The Act of June 12, 1960 (74 Stat. 212), is amended as follows:

(1) Strike out the first section and insert in lieu thereof the following:

"That in order to correct inequities in the construction of fishing vessels of the United States, the Secretary of the Interior is authorized to pay in accordance with this Act a subsidy for the construction of such vessels in the shipyards of the United States.";

(2) in section 2 delete the word "and" at the end of subsection (6); add a new subsection (7) as follows:

"(7) the vessel will be of advance design, which will enable it to operate in expanded areas, and be equipped with newly developed gear, and will not operate in a fishery, if such operation would cause economic hardship to efficient vessel operators already operating in that fishery, and", and renumber the present subsection (7) as subsection (8);

(3) amend section 3 by inserting "after notice and hearing," following the words "of his discretion,";

(4) delete section 4;

(5) in section 5, delete the phrase "33 $\frac{1}{3}$ per centum" and substitute "50 per cent";

(6) amend section 9 to read:

"SEC. 9. The Secretary of the Interior, in the exercise of his discretion, after notice and hearing, may approve the transfer of a vessel constructed with the aid of a construction subsidy, whose operations have become uneconomical or less economical because of an actual decline in the particular fishery for which it was designed, to another fishery where he determines that such transfer would not cause economic hardship or injury to efficient vessel operators already operating in that fishery. If any fishing vessel constructed with the aid of a construction subsidy in accordance with the provisions of this Act, as amended, is operated during its useful life, as determined by the Secretary, contrary to the provisions of this Act or any regulations issued thereunder, the owner of such vessel shall repay to the Secretary, in accordance with such terms and conditions as the Secretary shall prescribe an amount not to exceed the total depreciated construction subsidy paid by the Secretary pursuant to this Act and this shall constitute a maritime lien against such vessel. The obligations under this section shall run with the title to the vessel.";

(7) in section 12, delete "\$2,500,000" and substitute "\$10,000,000"; and

(8) amend section 13 to read:

"SEC. 13. No application for a subsidy for the construction of a fishing vessel may be accepted by the Secretary after June 30, 1969." Approved August 30, 1964.

Public Law 88-499

AN ACT

August 30, 1964
[S. 1664]

To provide for continuous improvement of the administrative procedure of Federal agencies by creating an Administrative Conference of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Administrative Conference Act".

Administrative
Conference Act.

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress finds and declares that—

(a) administration of regulatory and other statutes enacted by Congress in the public interest substantially affects large numbers of private individuals and many areas of business and economic activity;

(b) the protection of public and private interests requires continuing attention to the administrative procedure of Federal agencies to insure maximum efficiency and fairness in achieving statutory objectives;

(c) responsibility for assuring fair and efficient administrative procedure is inherent in the general responsibilities of officials appointed to administer Federal statutes;

(d) experience has demonstrated that cooperative effort among Federal officials, assisted by private citizens and others whose interest, competence, and objectivity enable them to make a unique contribution, can find solutions to complex problems and achieve substantial progress in improving the effectiveness of administrative procedure; and

(e) it is the purpose of this Act to provide suitable arrangements through which Federal agencies, assisted by outside experts, may cooperatively study mutual problems, exchange information, and develop recommendations for action by proper authorities to the end that private rights may be fully protected and regulatory activities and other Federal responsibilities may be carried out expeditiously in the public interest.

DEFINITIONS

SEC. 3. As used in this Act—

(a) "Administrative program" includes any Federal function which involves protection of the public interest and the determination of rights, privileges, and obligations of private persons through rulemaking, adjudication, licensing or investigation, as those terms are used in the Administrative Procedure Act (5 U.S.C. 1001-1011), except that it does not include any military, naval, or foreign affairs function of the United States.

60 Stat. 237.

(b) "Administrative agency" means any authority as defined by section 2(a) of the Administrative Procedure Act (5 U.S.C. 1001(a)).

(c) "Administrative procedure" means procedure used in carrying out an administrative program and shall be broadly construed to include any aspect of agency organization, procedure, or management which may affect the equitable consideration of public and private interests, the fairness of agency decisions, the speed of agency action, and the relationship of operating methods to later judicial review, but shall not be construed to include the scope of agency responsibility as established by law or matters of substantive policy committed by law to agency discretion.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SEC. 4. (a) There is hereby established the Administrative Conference of the United States (hereinafter referred to as the "Conference"), which shall consist of not more than ninety-one nor fewer than seventy-five members appointed as set forth in subsection (b) of this section.

(b) The Conference shall be composed of—

(1) a full-time Chairman, who shall be appointed for a five-year term by the President, by and with the advice and consent of the Senate. The Chairman shall receive compensation at the highest rate established by law for the chairman of an independent regulatory board or commission, and may continue to serve until his successor has been appointed and has qualified;

(2) the chairman of each independent regulatory board or commission or a person designated by such board or commission;

(3) the head of each executive department or other administrative agency which is designated by the President, or a person designated by such head of a department or agency;

(4) when authorized by the Council, one or more appointees from any such board, commission, department, or agency, designated by the department or agency head or, in the case of a board or commission, by the head of such board or commission with the approval of the board or commission;

(5) persons appointed by the President to membership upon the Council hereinafter established who are not otherwise members of the Conference; and

(6) no more than thirty-six other members appointed by the Chairman, with the approval of the Council, for terms of two years: *Provided*, That the number of members appointed by the Chairman shall at no time be less than one-third nor more than two-fifths of the total number of members. Such members shall be selected in a manner which will provide broad representation of the views of private citizens and utilize diverse experience, and shall be members of the practicing bar, scholars in the field of administrative law or government, or others especially informed by knowledge and experience with respect to Federal administrative procedure.

(c) Members of the Conference other than the Chairman shall receive no compensation for service, but members appointed from outside the Federal Government shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons serving without compensation.

60 Stat. 808;
75 Stat. 339, 340.

DUTIES AND POWERS OF THE CONFERENCE

SEC. 5. To carry out the purposes of this Act the Conference is authorized to—

(a) study the efficiency, adequacy, and fairness of the administrative procedure used by administrative agencies in carrying out administrative programs, and make recommendations to administrative agencies, collectively or individually, and to the President, the Congress, or the Judicial Conference of the United States, in connection therewith, as it deems appropriate;

(b) arrange for interchange among administrative agencies of information potentially useful in improving administrative procedure; and

(c) collect information and statistics from administrative agencies and publish such reports as it deems useful for evaluating and improving administrative procedure.

ORGANIZATION OF THE CONFERENCE

SEC. 6. (a) The membership of the Conference meeting in plenary session shall constitute the Assembly of the Conference. The Assembly shall have ultimate authority over all activities of the Conference. Specifically, it shall have power to (1) adopt such recommendations as it deems appropriate for improving administrative procedure: *Provided*, That any member or members who disagree with a recommendation adopted by the Assembly shall be accorded the privilege of entering dissenting opinions and alternative proposals in the record of Conference proceedings, and the opinions and proposals so entered shall accompany the Conference recommendation in any publication or distribution thereof; and (2) adopt bylaws and regulations not inconsistent with this Act for carrying out the functions of the Conference, including the creation of such committees as it deems necessary for the conduct of studies and the development of recommendations for consideration by the Assembly.

Dissenting
opinions.

(b) The Conference shall include a Council composed of the Chairman of the Conference, who shall be the Chairman of the Council, and ten other members appointed by the President, of whom not more than one-half shall be officials or personnel of Federal regulatory agencies or executive departments. Members other than the Chairman shall be appointed for three-year terms, except that the Council members initially appointed shall serve for one, two, or three years, as designated by the President: *Provided*, That (1) the service of any member shall terminate whenever a change in his employment status would make him ineligible for Council membership under the conditions of his original appointment, and (2) except as provided in item (1), above, any member whose term has expired may continue to serve until a successor is appointed. The Council shall have power to (1) determine the time and place of plenary sessions of the Conference and the agenda for such meetings and it shall call at least one plenary session each year; (2) propose bylaws and regulations, including rules of procedure and committee organization, for adoption by the Assembly; (3) make recommendations to the Conference or its committees upon any subject germane to the purposes of the Conference; (4) receive and consider reports and recommendations of committees of the Conference and transmit them to members of the Conference with the views and recommendations of the Council; (5) designate a member of the Council to preside at meetings of the Council in the absence or incapacity of the Chairman and Vice Chairman; (6) designate such additional officers of the Conference as it may deem desirable; (7) approve or revise the Chairman's budgetary proposals; and (8) exercise such other powers as may be delegated to it by the Assembly.

Council.

(c) The Chairman shall be the chief executive of the Conference. In that capacity he shall have power to (1) make inquiries into matters he deems important for Conference consideration, including matters proposed by persons inside or outside the Federal Government; (2) be the official spokesman for the Conference in relations with the several branches and agencies of the Federal Government and with interested organizations and individuals outside the Government, including responsibility for encouraging Federal agencies to effectuate the recommendations of the Conference; (3) request agency heads to provide information needed by the Conference, which information shall be supplied to the extent permitted by law; (4) recommend to the Council appropriate subjects for action by the Conference; (5) appoint, with the approval of the Council, members of committees authorized by the bylaws and regulations of the Conference; (6) pre-

pare, for approval of the Council, estimates of the budgetary requirements of the Conference; (7) appoint employees, subject to the civil service and classification laws, define their duties and responsibilities, and direct and supervise their activities; (8) rent office space in the District of Columbia; (9) provide necessary services for the Assembly, the Council, and the committees of the Conference; (10) organize and direct studies ordered by the Assembly or the Council, utilizing from time to time, as appropriate, experts and consultants who may be employed as authorized by section 15 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 55a), but at rates for individuals not to exceed \$100 per diem; (11) upon request of the head of any agency, furnish assistance and advice on matters of administrative procedure; and (12) exercise such additional authority as may be delegated to him by the Council or the Assembly. The Chairman shall preside at meetings of the Council and at each plenary session of the Conference, to which he shall make a full report concerning the affairs of the Conference since the last preceding plenary session. The Chairman shall, on behalf of the Conference, transmit to the President and the Congress an annual report and such interim reports as he deems desirable.

60 Stat. 810.

Report to President and Congress.

Vice Chairman.

(d) The President may designate a member of the Council as Vice Chairman, who shall serve as Chairman in the event of a vacancy in that office or in the absence or incapacity of the Chairman.

APPROPRIATIONS

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary, not to exceed \$250,000, to accomplish the purposes of this Act.

Approved August 30, 1964.

Public Law 88-500

AN ACT

August 30, 1964
[H. R. 189]

To authorize the conveyance of certain Federal land under the jurisdiction of the Naval Ordnance Test Station, China Lake, California, to the county of Kern, State of California.

Kern County,
Calif.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized to convey to the county of Kern, State of California, a parcel of land containing one hundred five and one-half acres, more or less, situated on the Naval Ordnance Test Station, China Lake, California, metes and boundary description of which is on file in the Navy Department.

SEC. 2. Said property is to be conveyed to the county of Kern at a price equal to 50 per centum of the fair market value as determined by the Secretary of the Navy. The conveyance shall provide that the property shall be used and maintained for park, recreational, educational, and other public purposes, and that in the event the property ceases to be used or maintained for such purposes it shall, in its then existing condition, at the option of the Secretary of the Navy, revert to the United States and to the control of the Department of the Navy. The conveyance may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Navy to be necessary to safeguard the interests of the United States.

Approved August 30, 1964.

Public Law 88-501

AN ACT

August 30, 1964
[S. 2369]

To retrocede to the State of Kansas exclusive jurisdiction over certain State highways bordering Fort Leavenworth Military Reservation and the United States Penitentiary at Leavenworth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby retroceded to the State of Kansas by the United States exclusive jurisdiction over all of the following described areas bordering Fort Leavenworth Military Reservation and the United States Penitentiary at Leavenworth:

Kansas.
State highways,
jurisdiction.

A strip of land one hundred feet in width along the southern boundary of the Fort Leavenworth Military Reservation and along the southern boundary of the Leavenworth Penitentiary lands being that portion of the Fort Leavenworth Military Reservation donated for exclusive use as a public road by Act of Congress approved July 27, 1868 (15 Stat. 238), which remains United States Government property, being a part of State Highways Numbered 92 and 7, the highway numbered United States 73, and the public road known as Mount Zion Road;

Also, a strip of land one hundred feet in width being fifty feet on each side of the centerline of the highway numbered United States 73 and State Highway Numbered 7 extending from the north boundary of the above described one hundred-foot strip northwesterly to the point of intersection of the centerline of said highway with the westerly boundary of said Fort Leavenworth Military Reservation;

Also, that portion of the right-of-way of the public road known as Mount Zion Road which extends in a northwesterly direction along the southwesterly boundary of the Leavenworth Penitentiary lands.

SEC. 2. The retrocession of exclusive jurisdiction provided by this Act shall take effect upon acceptance by the State of Kansas.

Effective date.

Approved August 30, 1964.

Public Law 88-502

AN ACT

August 30, 1964
[H. R. 5728]

For the relief of the county of Cuyahoga, Ohio.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$115,928.00 to the county of Cuyahoga, Ohio, in full settlement of all claims against the United States to cover the Government's fair share of the increased costs for the construction of the sewage disposal plant to be constructed for serving the area adjacent to the Veterans' Administration hospital in Brecksville, Ohio: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Cuyahoga County,
Ohio.
Claims payment.

Approved August 30, 1964.

Public Law 88-503

August 30, 1964
[H. R. 9419]

AN ACT

To provide for the regulation of the business of selling securities in the District of Columbia and for the licensing of persons engaged therein, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

District of
Columbia Securi-
ties Act.

SECTION. 1. This Act may be cited as the "District of Columbia Securities Act".

DEFINITIONS

SEC. 2. When used in this Act, unless the context otherwise requires—

(a) "Agent" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect purchases or sales of securities. "Agent" does not include any individual who represents an issuer in (1) effecting transactions in an exempt security, (2) effecting exempt transactions, or (3) effecting transactions with existing employees, partners, or directors of the issuer or any of its subsidiaries if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in the District. A partner, officer, or director of a broker-dealer or issuer, or a person occupying similar status or performing similar functions, is an agent only if he otherwise comes within this definition.

(b) "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. "Broker-dealer" does not include (1) an agent, (2) an issuer, (3) a bank, savings institution, or trust company, or (4) a person who has no place of business in the District if (A) he effects transactions in the District exclusively with or through (i) the issuers of the securities involved in the transactions, (ii) other broker-dealers, or (iii) banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (B) during any period of twelve consecutive months he does not direct more than fifteen offers to sell or buy into the District in any manner to persons other than those specified in clause (A), whether or not the offeror or any of the offerees is then present in the District.

(c) "Commission" means the Public Service Commission of the District of Columbia as so designated by section 21 of this Act.

(d) "District" means the District of Columbia, either as a territorial area as defined in the first section of the Act of June 22, 1874, entitled "An Act to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia, in force on the first day of December, in the year of our Lord one thousand eight hundred and seventy-three" (D.C. Code, sec. 1-101), or as the government and municipal corporation of that name as created by section 2 of such Act (D.C. Code, sec. 1-102), depending on the context.

(e) For the purpose of subsection (a) of this section "exempt security" means—

(1) any security (including a revenue obligation) issued or guaranteed by the United States, any State, any political subdivision of a State, the District, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing;

(2) any security issued or guaranteed by Canada, any Canadian Province, any political subdivision of any such Province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor;

(3) any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, or any bank, savings institution, or trust company organized and supervised under the laws of any State;

(4) any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal; or

(5) any investment contract issued in connection with an employees' stock purchase, savings, pension, profit-sharing, or similar benefit plan.

(f) For the purpose of subsection (a) of this section "exempt transaction" means—

(1) any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or any transaction among underwriters;

(2) any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit;

(3) any transaction by a receiver or trustee in bankruptcy;

(4) any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity;

(5) any transaction pursuant to an offer directed by the offeror to not more than twenty-five persons in the District during any period of twelve consecutive months, whether or not the offeror or any of the offerees is then present in the District, if the seller reasonably believes that all the buyers in the District are purchasing for investment;

(6) any offer or sale of a preorganization certificate or subscription if (A) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, and (B) the number of subscribers does not exceed twenty-five, and (C) no payment is made by any subscriber;

(7) any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants, exercisable within not more than ninety days of their issuance, if (A) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in the District, or (B) the issuer first files a notice specifying the terms of the offer and the Commission does not by order disallow the exemption within the next five full business days; or

(8) any transaction effected with existing employees, partners, or directors of the issuer or any of its subsidiaries if no commission or other remuneration is paid or given, directly or indirectly, for soliciting any person in the District.

(g) "Fraud", "deceit", and "defraud" shall not be limited to common law deceit.

(h) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends.

(i) "Issuer" means any person who issues or proposes to issue any security, except that—

(1) with respect to certificates of deposit, voting-trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors or persons performing similar functions, or of the fixed, restricted management, or unit type, the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued; and

(2) with respect to certificates of interest or participation in oil, gas, or mining titles or leases or in payments out of production under such titles or leases, there is not considered to be any "issuer".

(j) "Person" means an individual, a corporation, a partnership, an association, joint-stock company, a trust where the interests of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government.

(k) (1) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value.

(2) "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of any offer to buy, a security or interest in a security for value.

(3) Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value.

(4) A purported gift of assessable stock is considered to involve an offer and sale.

(5) Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(6) The terms defined in this subsection do not include (A) any bona fide pledge or loan; (B) any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the dividend other than the surrender of a right to a cash or property dividend when each stockholder may elect to take the dividend in cash or property or in stock; (C) any act incident to a class vote by stockholders, pursuant to the certificate of incorporation or the applicable corporation statute, on a merger, consolidation, reclassification of securities, or sale of corporate assets in consideration of the issuance of securities of another corporation; or (D) any act incident to a judicially approved reorganization in which a security is issued in exchange for one or more outstanding securities, claims, or property interests, or partly in such exchange and partly for cash.

(l) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participa-

tion in any profit-sharing agreement; collateral-trust certificate; pre-organization certificate or subscription; transferable share; investment contract; voting-trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under such a title or lease; or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed sum of money either in a lump sum or periodically for life or some other specified period or any contract issued by an insurance company pursuant to section 41 of chapter III of the Life Insurance Act, as added by Public Law 86-520 (D.C. Code, sec. 35-541).

74 Stat. 218.

(m) "State" means any State, territory, or possession of the United States, and the Commonwealth of Puerto Rico, but not the District of Columbia.

FRAUD

SEC. 3. It shall be unlawful for any person, in connection with the offer, sale, or purchase of any security, directly or indirectly—

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact, or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances in which they are made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

LICENSE REQUIREMENT

SEC. 4. (a) It shall be unlawful for any person to transact business in the District as a broker-dealer or agent unless he is effectively licensed under this Act.

(b) It shall be unlawful for any broker-dealer or issuer to employ an agent unless the agent is effectively licensed under this Act. The license of an agent shall not be effective during any period when he is not associated with a particular broker-dealer or a particular issuer. When an agent begins or terminates a connection with a broker-dealer or issuer, or begins or terminates those activities which make him an agent, the agent as well as the broker-dealer or issuer shall promptly notify the Commission.

(c) Every license and renewal license shall expire one year from its effective date, but in any case in which timely and sufficient application for a renewal license has been made in accordance with section 5(a) no license shall expire until final action of the Commission upon such pending application. The Commission may by rule or order fix a schedule for the first renewal of licenses so that subsequent renewals may be staggered over the one-year period. For this purpose the Commission shall reduce the license fee proportionately for any initial license which may expire before one year from its effective date.

LICENSE PROCEDURE

SEC. 5. (a) A broker-dealer or agent may obtain an initial license by filing with the Commission an application executed by all partners, directors, and officers of the applicant personally engaged in the securities business in the District, together with a consent to service of process pursuant to section 15(f) of this Act. The application for

each broker-dealer applicant shall contain the following information, and for each partner, officer, or director, each person occupying a similar status or performing similar functions and each person directly or indirectly controlling such broker-dealer the information prescribed in subdivisions (3), (4), (5) and (7); and the application for each agent shall contain the information specified in subdivisions (3), (4), (5) and (7):

- (1) the applicant's form and place of organization;
- (2) the applicant's proposed method of doing business;
- (3) the qualifications and business history of the applicant;
- (4) each injunction or administrative order or conviction of a misdemeanor involving a security or any aspect of the securities business and any conviction of a felony;
- (5) each disciplinary action by a securities exchange or securities association within the ten years preceding the date of application;
- (6) the applicant's financial condition and history; and
- (7) such other matters as the Commission may by rule prescribe as being necessary or appropriate in the public interest or for the protection of investors.

Initial license;
publication and
announcement.

The Commission may by rule or order require an applicant for an initial license to publish an announcement of the application in one or more specified newspapers published in the District. If no denial order is in effect and no proceeding is pending under section 10, a license shall become effective at noon of the thirtieth day after any application is filed. The Commission may by rule or order specify an earlier effective date, and it may by order defer the effective date until noon of the thirtieth day after the filing of any amendment to an application. A license of a broker-dealer shall be deemed to constitute a license of any agent who is a partner, officer, or director, or a person occupying a similar status or performing similar functions.

(b) An applicant for an initial or renewal license shall pay a filing fee. The filing fee for an initial or a renewal license shall, except for agents, be fixed by the Commission but shall not exceed \$125 for a broker-dealer, plus an amount not exceeding \$12.50 for each partner, officer, and director, and each person occupying a similar status or performing similar functions, who transacts business in the District. The filing fee for an initial license for an agent shall be \$12.50. The filing fee for each renewal license for an agent shall be \$5.

(c) A licensed broker-dealer may file an application for a license of a successor, whether or not the successor is then in existence, for the unexpired portion of the period during which the license of such broker-dealer is effective. There shall be no filing fee.

Net capital
requirement.

(d) Each broker-dealer licensed in the District shall have and maintain a minimum net capital of \$25,000, except that the Commission may, by rule, fix a minimum net capital in lesser amounts, but in no case less than \$5,000 net capital, for a broker-dealer with a limited license which authorizes such broker-dealer to engage only in transactions in securities registered under the Investment Company Act of 1940. The Commission may by rule prescribe a ratio between net capital and aggregate indebtedness.

54 Stat. 789.
15 USC 80a-51.

(e) The Commission may by rule require a licensed broker-dealer or the agent of an issuer to post a surety bond issued by a corporate surety company licensed to do business in the District of Columbia in such amounts up to \$25,000 and on such conditions as the Commission may determine to be necessary or appropriate in the public interest or for the protection of investors, the surety bond of a licensed broker-dealer to cover such broker-dealer and all licensed agents thereof in the District of Columbia. Every bond shall provide for suit thereon

by any person who may have a cause of action arising under section 14 of this Act, and, if the Commission by rule or order requires, by any person who may have a cause of action not arising under this Act. Every bond shall provide that no suit may be maintained to enforce any liability on the bond unless brought within two years after the sale or other act upon which such liability is based.

(f) The license of a broker-dealer or agent may be renewed by filing with the Commission prior to the expiration thereof an application containing such information as the Commission may require to indicate any material change in the information contained in the original application or any renewal thereof, payment of the prescribed fee and, in the case of a broker-dealer, a financial statement showing the financial condition of such broker-dealer as of a date within one year prior to the date of such application for renewal.

UNLAWFUL REPRESENTATION CONCERNING LICENSING

SEC. 6. (a) Neither the fact that an application for a license has been filed nor the fact that a person is effectively licensed shall constitute a finding by the Commission that any document filed under this Act, or that any statement made therein, is true, complete, and not misleading. Neither any such fact nor the fact that an exemption is available for any person, security or transaction shall mean that the Commission has passed in any way upon the merits or qualifications of, or recommended or given approval to, any person, security, or transaction.

(b) It shall be unlawful for any broker-dealer or agent to make, or cause to be made, to any prospective purchaser, customer, or client any representation inconsistent with subsection (a).

RECORDS AND REPORTS

SEC. 7. (a) Every licensed broker-dealer and agent shall make, keep, and preserve for such periods, such accounts, correspondence, memorandums, papers, books, and other records, and make such reports, as the Commission by rule shall prescribe as necessary or appropriate in the public interest or for the protection of investors.

(b) All the records and reports referred to in subsection (a) shall be subject at any time or from time to time to such reasonable periodic, special, or other examinations by the Commission, within or without the District, as the Commission may deem necessary or appropriate in the public interest or for the protection of investors. For the purpose of avoiding unnecessary duplication of examinations, the Commission, insofar as it may deem it practicable in administering this subsection, may cooperate with the securities administrator of any State, the Securities and Exchange Commission, and any national securities exchange or national securities association registered under the Securities Exchange Act of 1934.

48 Stat. 881.
15 USC 78a.

FILING OF SALES AND ADVERTISING LITERATURE

SEC. 8. The Commission may by order require any specific broker-dealer or agent to file with the Commission any prospectus, pamphlet, circular, form letter, advertisement, or other sales literature or advertising communication addressed or intended for distribution to prospective investors, except sales and advertising literature describing an exempt security as defined in section 2(e) or used in an exempt transaction as defined in section 2(f).

MISLEADING FILINGS

SEC. 9. It shall be unlawful for any person to make or cause to be made, in any document filed with the Commission or in any proceeding under this Act, any statement which is, at the time and in the light of the circumstances in which it is made, false or misleading in any material respect.

DENIAL, REVOCATION, SUSPENSION, CANCELLATION, AND WITHDRAWAL OF LICENSES

SEC. 10. (a) The Commission may by order deny, suspend, or revoke any license if it finds that the order is in the public interest and that the applicant or licensee or, in the case of a broker-dealer, any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer—

(1) has filed an application for a license which as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(2) has willfully violated or willfully failed to comply with any provision of this Act or any rule or order under this Act, or has violated or failed to comply with the minimum capital requirement of section 5(d) or any ratio rule prescribed thereunder;

(3) has been convicted, within the past ten years, of any misdemeanor involving a fiduciary relationship or a security or any aspect of the securities business, or of any felony, or has been acquitted of any such offense within the same period solely on the ground that he was insane at the time of its commission;

(4) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

(5) is the subject of an order of the Commission denying, suspending, or revoking a license as a broker-dealer or agent;

(6) is the subject of an order entered within the past five years by the securities administrator of any State or by the Securities and Exchange Commission denying or revoking a license or registration as a broker-dealer or agent, or the substantial equivalent of those terms as defined in this Act, or is the subject of an order of the Securities and Exchange Commission suspending or expelling him from a national securities exchange or national securities association, or is the subject of a United States Post Office fraud order; but (i) the Commission may not institute a revocation or suspension proceeding under clause (6) more than two years from the date of the order or action relied on, and (ii) it may not enter an order under clause (6) on the basis of an order under a State act unless that order was based on facts which would currently constitute a ground for an order under this section;

(7) has engaged in dishonest or unethical practices in the securities business or while acting in any fiduciary capacity;

(8) is insolvent, either in the sense that his liabilities exceed his assets or in the sense that he cannot meet his obligations as they mature; but the Commission may not enter an order against a broker-dealer under this clause without a finding of insolvency as to the broker-dealer; or

(9) is not qualified on the basis of such factors as training, experience, and knowledge of the securities business, except as otherwise provided in subsection (b).

The Commission may by order deny, suspend, or revoke any license if it finds that the order is in the public interest and that the applicant or licensee—

(10) has failed reasonably to supervise his agents if he is a broker-dealer; or

(11) has failed to pay the proper filing fee; but the Commission may enter only a denial order under this clause, and it shall vacate any such order when the deficiency has been corrected.

The Commission may not institute a suspension or revocation proceeding solely on the basis of a fact or transaction known to it when the license became effective unless the proceeding is instituted within the next thirty days.

(b) The following provisions shall govern the application of section 10(a)(9):

(1) The Commission may not enter an order against a broker-dealer on the basis of the lack of qualification of any person other than (A) the broker-dealer himself if he is an individual or (B) an agent of the broker-dealer.

(2) The Commission may not enter an order solely on the basis of lack of experience if the applicant or licensee is qualified by training or knowledge or both.

(3) The Commission shall consider that an agent who will work under the supervision of a licensed broker-dealer need not have the same qualifications as a broker-dealer.

(4) The Commission shall by rule provide for an examination, which may be written or oral or both, to be taken by any class of, or all, applicants.

(c) The Commission may by order summarily postpone issuance of a license or suspend an effective license pending determination of any proceeding under this section. Upon the entry of the order, the Commission shall promptly notify the applicant or licensee, as well as the employer or prospective employer if the applicant or licensee is an agent, that it has been entered and of the reasons therefor and that within fifteen days after the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the Commission, the order will remain in effect until it is modified or vacated by the Commission. If hearing is requested or ordered, the Commission, after notice of and opportunity for hearing, may modify or vacate the order or extend it until final determination.

(d) If the Commission finds that any licensee or applicant for a license is no longer in existence, or has ceased to do business as a broker-dealer or agent, or has been adjudicated to be of unsound mind or is subject to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the Commission may by order cancel the license or application.

(e) Withdrawal of a license of a broker-dealer or agent shall become effective thirty days after receipt of an application to withdraw or within such shorter period of time as the Commission may determine, unless a revocation or suspension proceeding is pending when the application is filed or a proceeding to revoke or suspend or to impose conditions upon the withdrawal is instituted within thirty days after the application is filed. If a proceeding is pending or instituted, withdrawal shall become effective at such time and upon such conditions as the Commission shall by order determine. If no proceeding is pending or instituted and withdrawal automatically

becomes effective, the Commission may nevertheless institute a revocation or suspension proceeding under section 10(a)(2) within one year after withdrawal became effective and enter a revocation or suspension order as of the last date on which the license was effective.

(f) No order may be entered under any part of this section except the first sentence of subsection (c) without (1) appropriate prior notice to the applicant or licensee (as well as the employer or prospective employer if the applicant or licensee is an agent), (2) opportunity for hearing, and (3) findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record.

INVESTIGATIONS AND SUBPENAS

SEC. 11. (a) The Commission in its discretion (1) may make such public or private investigations within or without the District as it deems necessary to determine whether any person has violated or is about to violate any provision of this Act or any rule or order hereunder, or to aid in the enforcement of this Act or in the prescribing of rules and forms hereunder, (2) may require or permit any person to file a statement in writing, under oath or otherwise as the Commission may determine, as to all the facts and circumstances concerning the matter to be investigated, and (3) may publish information concerning any violation of this Act or any rule or order hereunder, except that no public statement, notice, or release concerning any investigation, proceeding, or order under this Act which is not a finding of a hearing examiner or of a Commissioner or a final determination of the Commission shall allege a violation of this Act or a ground for denial, suspension, or revocation of a license, unless such statement, notice, or release specifies that such allegations are unproved until final determination, and that the purpose of the investigation or proceeding is to determine whether the allegations are true.

Subpena of
witnesses, etc.

(b) For the purpose of any investigation or proceeding under this Act, the Commission may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, agreements, or other documents or records which it deems relevant or material to the inquiry.

(c) In case of contumacy by, or refusal to obey a subpoena issued to any person, the United States District Court for the District of Columbia, upon application by the Commission with the approval of the United States Attorney for the District of Columbia, may issue an order compelling such person to appear before the Commission, or the officer designated by it, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) No person shall be excused from attending and testifying or from producing any document or record before the Commission, or the officer designated by it, in obedience to a court order pursuant to subsection (c), on the ground that the testimony or evidence (documentary or otherwise) required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is by such order compelled, after claiming his privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual testifying shall not be exempt from prosecution and punishment for perjury or contempt committed in testifying.

(e) Any person compelled to appear in person before the Commission or a representative thereof shall be accorded the right to be accompanied, represented, and advised by counsel.

INJUNCTIONS

SEC. 12. Whenever it shall appear to the Commission that any person has engaged or is about to engage in any act or practice constituting a violation of this Act or any rule or order hereunder, it may in its discretion bring an action in the United States District Court for the District of Columbia to enjoin the acts or practices and to enforce compliance with this Act or any rule or order hereunder. Upon a proper showing a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The court may not require the Commission to post a bond.

CRIMINAL PENALTIES

SEC. 13. (a) Any person who shall willfully violate any provision of this Act except sections 3 and 9, or who shall willfully violate section 9 knowing the representation to be false or misleading in any material respect, shall upon conviction be fined not more than \$5,000 or imprisoned not more than three years, or both.

(b) Any person who shall willfully violate section 3 of this Act shall upon conviction be fined not more than \$5,000 or imprisoned not more than five years, or both.

(c) Any person who shall willfully violate any rule or order under this Act shall upon conviction be fined not more than \$5,000 or imprisoned not more than one year, or both; but no person may be imprisoned for the violation of any rule or order if he proves that he had no knowledge of the rule or order.

(d) No person shall be prosecuted, tried, or punished for any offense under this Act or any rule or order hereunder unless the indictment is returned or the information is filed within five years next after such offense shall have been committed.

(e) Nothing in this Act shall be construed to limit the power of the United States or of the District of Columbia to punish any person for any conduct which constitutes an offense under any other Act of Congress applicable in the District, or under any municipal ordinance or regulation of the District, or at common law.

CIVIL LIABILITIES

SEC. 14. (a) Any person who—

(1) offers or sells a security in violation of section 4(a) or 6(b) of this Act; or

(2) offers or sells a security by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements, in the light of the circumstances under which they were made, not misleading (the purchaser not knowing of such untruth or omission), and who shall not sustain the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of such untruth or omission,

shall be liable to the person purchasing such security from him, and the purchaser may bring a civil action to recover the consideration paid for the security with interest thereon and with costs and reasonable attorney fees less the amount of any income received on the security,

upon the tender of the security, or for damages if he no longer owns the security. For this purpose damages shall be the amount that would be recoverable upon a tender, less the market value of the security when the buyer disposed of it and interest from the date of disposition.

(b) Any person who directly or indirectly controls a seller liable under subsection (a), any partner, officer, or director of such a seller and any person occupying a similar status or performing similar functions, any employee of such a seller who materially aids in the sale, and any broker-dealer or agent who materially aids in the sale shall also be liable jointly and severally with and to the same extent as the seller, unless the nonseller who shall be so liable sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist. There shall be contribution as in cases of contract among the several persons so liable.

(c) Any tender specified in this section may be made at any time before entry of judgment.

(d) Any liability or cause of action under this section shall survive the death of any person who, if living, would have such a liability or cause of action.

(e) No person may bring an action under this section after two years from the contract of sale. No person may bring an action under this section (1) if the buyer received a written offer, before suit and at a time when he owned the security, to refund the consideration paid for the security together with interest at 6 per centum per annum from the date of payment, less the amount of any income received on the security, and if he failed to accept that offer within thirty days of its receipt, or (2) if the buyer received such an offer before suit and at a time when he did not own the security, unless he rejected the offer in writing within thirty days of its receipt.

(f) No person who has made or engaged in the performance of any contract in violation of any provision of this Act or of any rule or order hereunder, or who has acquired any purported right under any such contract with knowledge of the facts by reason of which its making or performance was in violation, may base any suit upon the contract.

(g) Any condition, stipulation, or provision binding any person who acquires any security to waive compliance with any provision of this Act or with any rule or order under this Act shall be void.

(h) The rights and remedies provided by this Act shall be in addition to any other rights or remedies that may exist at law or in equity, but this Act shall not create any cause of action not specified in this or section 5(e).

SCOPE OF ACT AND SERVICE OF PROCESS

SEC. 15. (a) Sections 3, 4(a), 6, and 14 shall apply to persons who sell or offer to sell when (1) an offer to sell is made in the District, or (2) an offer to buy is made and accepted in the District.

(b) Sections 3, 4(a), and 6 shall apply to persons who buy or offer to buy when (1) an offer to buy is made in the District, or (2) an offer to sell is made and accepted in the District.

(c) For the purpose of this section, an offer to sell or to buy is made in the District whether or not either party is then present in the District, when the offer (1) originates from the District or (2) is directed by the offeror to the District and received at the place to which it is directed (or at any post office in the District in the case of a mailed offer).

(d) For the purpose of this section, an offer to buy or to sell is accepted in the District when acceptance (1) is communicated to the offeror in the District and (2) has not previously been communicated to the offeror, orally or in writing, outside the District. Acceptance is communicated to the offeror in the District, whether or not either party is then present in the District, when the offeree directs it to the offeror in the District reasonably believing the offeror to be in the District and it is received at the place to which it is directed (or at any post office in the District in the case of a mailed acceptance).

(e) An offer to sell or to buy is not made in the District by anything appearing in (1) any bona fide newspaper or other publication of general, regular, and paid circulation, circulated by or on behalf of the publisher in the District which is not published in the District, or which is published in the District but has had more than two-thirds of its circulation outside the District during the past twelve months, or (2) any radio or television program received in the District which originates outside of the District.

(f) Any applicant for a license under this Act shall file with the Commission, in such form as it by rule may prescribe, an irrevocable consent appointing each member of the Commission or his successor in office to be his attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against him or his successor, executor, or administrator which shall arise under this Act or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who shall have filed such a consent in connection with one application or offering need not file another. Service may be made by leaving a copy of the process in the office of the Commission, but it shall not be effective unless (1) the plaintiff forthwith shall send notice of the service and a copy of the process by registered mail to the defendant or respondent at his last address on file with the Commission, and (2) the plaintiff's affidavit of compliance with this subsection shall be filed in the case on or before the return day of the process, if any, or within such further time as the court may allow.

(g) When any person, including any nonresident of the District, shall engage in conduct prohibited or made actionable by this Act or any rule or order under this Act and he shall not have filed a consent to service of process under subsection (f) and personal jurisdiction over him cannot otherwise be obtained in the District, that conduct shall be considered equivalent to his appointment of each member of the Commission, or his successor in office, to be his attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against him or his successor, executor, or administrator which shall arise from that conduct and which shall be brought under this Act or any rule or order under this Act, with the same force and validity as if served on him personally. Service may be made by leaving a copy of the process in the office of the Commission, but it shall not be effective unless (1) the plaintiff forthwith shall send notice of the service and a copy of the process by registered mail to the defendant or respondent at his last known address or shall take other steps reasonably calculated to give actual notice, and (2) the plaintiff's affidavit of compliance with this subsection shall be filed in the case on or before the return day of the process, if any, or within such further time as the court may allow.

(h) For the purposes of subsections (f) and (g) of this section, the term "plaintiff" includes the Commission in any suit, action, or proceeding initiated by it.

(i) After service of process under this section, the court, or the Commission in a proceeding before it, shall order such continuance as may be necessary to afford the defendant or respondent reasonable opportunity to defend.

ADMINISTRATION OF ACT

SEC. 16. (a) This Act shall be administered by the Public Service Commission of the District of Columbia. The Commission is hereby authorized to establish such offices and with such names or titles, and to appoint and employ such officers and employees and prescribe their duties, as may be necessary to carry out the provisions of this Act, and such positions shall be subject to the Classification Act of 1949.

63 Stat. 954.
5 USC 1071
note; *Ante*, p. 400.
Trust fund.

(b) All collections, including fees, received pursuant to this Act shall be deposited in the Treasury of the United States in a trust fund from which may be paid, in the same manner as provided by law for other expenditures of the District, the expenses, as authorized by the Commission, of hearings held pursuant to this Act, including stenographic and reporting services (by contract or otherwise) and rental or purchase of equipment. Whenever the amount of such trust fund exceeds \$5,000, the excess shall be transferred to the funds deposited in the Treasury to the credit of the District of Columbia.

(c) Appropriations to carry out the purposes of this Act are hereby authorized.

Quorum.

(d) A majority of the members of the Commission shall constitute a quorum to do business, and any vacancy shall not impair the power of the remaining members to exercise all the powers of the Commission. In the case of any application, investigation, inquiry, hearing, or proceeding under this Act, the Commission may designate one of its members or a hearing examiner to examine documents, hear testimony, and submit to the Commission the record of testimony and such documents with his proposed findings and conclusions of fact and law.

(e) The Commission is hereby authorized to make, amend, and rescind such rules, orders, and forms as may be necessary to carry out the provisions of this Act, including, but not limited to, rules, orders, and forms governing applications and amendments thereto, investigations, inquiries, hearings, and proceedings, and including by rule definitions of any terms, whether or not used in this Act, insofar as the definitions are not inconsistent with the provisions of this Act. For the purpose of rules and forms, the Commission may classify persons and matters within its jurisdiction and may prescribe different requirements for different classes.

(f) No rule, form, or order may be made, amended, or rescinded, unless the Commission finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this Act. In prescribing rules and forms the Commission may cooperate with the securities administrator of any State and the Securities and Exchange Commission with a view to effectuating the policy of this Act to achieve maximum uniformity in the form and content of license applications, records, and reports, and other documents wherever practicable.

Statements and
reports, content.

(g) The Commission may by rule or order prescribe (1) the form and content of statements, records, reports, and other documents required under this Act or rules or orders thereunder, (2) the circumstances under which such statements, records, reports, or other documents shall be filed with the Commission, and (3) whether any required statements, records, reports, or other documents shall be certified by independent or certified public accountants.

(h) All rules and forms of the Commission made under this Act shall be published.

(i) No provision of this Act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, form, or order of the Commission, notwithstanding that the rule, form, or order may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

Nonliability provisions.

(j) A document shall be deemed to be filed or submitted to the Commission when it is received by it during regular business hours.

(k) The Commission shall keep a register of all license applications which are or have ever been effective under this Act, and all denial, suspension, postponement, or revocation orders entered under this Act. Such register shall be open for public inspection during regular business hours.

License applications, register.

(l) License applications and materials submitted therewith or in connection therewith may be made available to the public under such rules as the Commission may prescribe. Such rules may include, but shall not be limited to, rules prescribing reasonable fees for furnishing photostatic or other copies upon request. The Commission may certify under seal such copy or copies of any document available to the public or any entry in the register, and any copy so certified shall be admitted as evidence with the same effect as the exemptions of record referred to in section 14-501 of the District of Columbia Code.

Document certification.

(m) The Commission may refer evidence concerning violations of this Act or of any rule or order under this Act to the United States Attorney for the District of Columbia who may, with or without such reference, institute criminal proceedings under this Act. The Commission shall comply with any request of the Attorney General of the United States, the Postmaster General of the United States, the Securities and Exchange Commission, or the United States Attorney for the District of Columbia for any information or evidence coming to it in the administration of the Act. The Commission in its discretion may refer any information or evidence coming to it in the administration of this Act to any department or agency of the United States, to the securities administrator of any State, or to any national securities exchange or national securities association registered under the Securities Exchange Act of 1934.

77 Stat. 520.
Evidence of violations.

(n) Any hearing held by the Commission pursuant to this Act shall be public unless the Commission in its discretion and with the consent of all the parties to such hearing order that the hearing be conducted privately.

48 Stat. 881.
15 USC 78a.

JUDICIAL REVIEW

SEC. 17. Section 11-742(a) of the District of Columbia Code is amended (1) by striking out "and" at the end of paragraph (8); (2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and the word "and"; and (3) by adding at the end thereof the following new paragraph:

77 Stat. 485.

"(10) final orders of the Public Service Commission of the District of Columbia under the provisions of the District of Columbia Securities Act."

ADVISORY COMMITTEE

SEC. 18. The President of the Board of Commissioners of the District of Columbia shall appoint a District of Columbia Securities Advisory Committee which shall consist of six members, who shall be residents of the District of Columbia or the State of Maryland or the State of Virginia, at least two of whom shall be actively engaged in

Selection of
members.

Terms.

the securities business and at least two of whom shall be members of the bar of the District of Columbia. In no case shall more than three members of the Advisory Committee be members of the same political party. The members shall be selected on the basis of their experience and qualifications to advise the Public Service Commission on all phases of the securities business. The members shall be appointed for staggered terms of three years each, with two members appointed each year, to serve without compensation and eligible for reappointment for additional terms, provided that not more than two of the terms are in succession. The duration of the terms of the first members appointed hereunder shall be designated by the President of the Board of Commissioners at the time of their appointment. The members of the Advisory Committee shall select their own chairman. Meetings of the Advisory Committee shall be held when called by the Chairman of the Public Service Commission and may be attended by members of the said Commission. The Advisory Committee shall give the Public Service Commission the benefit of its advice on any and all matters pertaining to the administration of this Act, particularly the adoption, amendment or repeal of rules, regulations, and forms provided for herein.

SEVERABILITY

SEC. 19. If any provision of this Act or the application thereof to any person or circumstance shall be held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are severable.

EFFECTIVE DATE

SEC. 20. (a) Sections 3, 13(b), 13(d), 16, and 21 of this Act, together with definitions of terms used therein, shall take effect upon approval of this Act.

(b) The remaining provisions of this Act shall take effect at 12:01 antemeridian on the one hundred and eightieth day after approval of this Act, or, if the one hundred and eightieth day be a holiday in the District, at 12:01 antemeridian on the first business day thereafter.

Public Service
Commission of
D.C., designa-
tion.

44 Stat. 920.

SEC. 21. The Public Utilities Commission of the District of Columbia established by paragraph 97 of section 8 of the Act of March 4, 1913, entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes" (D.C. Code, sec. 43-201) hereafter shall be known as the "Public Service Commission of the District of Columbia". Wherever reference is made to the Public Utilities Commission of the District of Columbia in any Act of Congress, or in any compact authorized by an Act of Congress, or in any regulation or order, such reference shall be held to be a reference to the Public Service Commission of the District of Columbia.

Approved August 30, 1964.

Public Law 88-504

AN ACT

To provide for audit of accounts of private corporations established under Federal law.

August 30, 1964
[H. R. 4223]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term "private corporations established under Federal law" as used in this Act means the following organizations:

Private corporations.
Audit of accounts.

- (1) Agricultural Hall of Fame.
- (2) American Chemical Society.
- (3) American Historical Association.
- (4) The American Legion.
- (5) The American National Theater and Academy.
- (6) American Society of International Law.
- (7) American Symphony Orchestra League.
- (8) American War Mothers.
- (9) AMVETS (American Veterans of World War II).
- (10) Belleau Wood Memorial Association.
- (11) Big Brothers of America.
- (12) Blinded Veterans Association.
- (13) Blue Star Mothers of America.
- (14) Board for Fundamental Education.
- (15) Boy Scouts of America.
- (16) Boys' Clubs of America.
- (17) Civil Air Patrol.
- (18) Conference of State Societies, Washington, District of Columbia.
- (19) The Congressional Medal of Honor Society of the United States of America.
- (20) Daughters of the American Revolution.
- (21) Disabled American Veterans.
- (22) The Foundation of the Federal Bar Association.
- (23) Future Farmers of America.
- (24) Girl Scouts of America.
- (25) Grand Army of the Republic.
- (26) Jewish War Veterans, U.S.A., National Memorial, Inc.
- (27) Ladies of the Grand Army of the Republic.
- (28) Legion of Valor of the United States of America, Incorporated.
- (29) Marine Corps League.
- (30) Military Chaplains Association of the United States of America.
- (31) Military Order of the Purple Heart of the United States of America.
- (32) National Academy of Sciences.
- (33) National Conference on Citizenship.
- (34) National Fund for Medical Education.
- (35) National Music Council.
- (36) National Safety Council.
- (37) National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic.
- (38) The National Yeomen F.
- (39) Naval Sea Cadet Corps.
- (40) Navy Club of the United States of America.
- (41) Reserve Officers Association.
- (42) Sons of the American Revolution.
- (43) Sons of Union Veterans of the Civil War.
- (44) United Spanish War Veterans.

- (45) United States Blind Veterans of World War I.
- (46) United States Olympic Association.
- (47) Veterans of Foreign Wars of the United States.
- (48) Veterans of World War I of the United States of America.

Annual audit.

SEC. 2. The accounts of private corporations established under Federal law shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the corporations are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporations and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

Report to Congress.

SEC. 3. The report of each such independent audit shall be submitted to the Congress not later than six months following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and include such statements as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, together with the independent auditor's opinion of those statements. The report shall not be printed as a public document, except as part of proceedings authorized to be printed under the Act of March 2, 1931, chapter 378, section 1, as amended.

77 Stat. 469.
Repeals.

SEC. 4. The following provisions of law are hereby repealed:

(1) The words "including a full, complete, and itemized report of receipts and expenditures, of whatever kind" contained in section 8 of the Act of June 15, 1916 (39 Stat. 229; 36 U.S.C. 28) ;

(2) The words "including a full, complete, and itemized report of receipts and expenditures of whatever kind" contained in section 7 of the Act of March 16, 1950 (64 Stat. 24, as amended; 36 U.S.C. 37) ;

(3) The words "including a full and complete report of its receipts and expenditures" contained in section 9 of the Act of September 16, 1919 (41 Stat. 285; 36 U.S.C. 49) ;

(4) The words "including a full and complete report of its receipts and expenditures" contained in section 8 of the Act of July 5, 1935 (49 Stat. 459) ;

(5) The words "including the full and complete statement of its receipts and expenditures" contained in section 4 of the Act of August 4, 1937 (50 Stat. 559; 36 U.S.C. 58) ;

(6) The words "including the full and complete statement of its receipts and expenditures" contained in section 5 of the Act of March 3, 1923 (42 Stat. 1441; 36 U.S.C. 65) ;

(7) Section 14 of Public Law 86-47 (73 Stat. 79; 36 U.S.C. 78m) ;

(8) The words "including a full and complete report of its receipts and expenditures" contained in section 9 of the Act of June 17, 1932 (47 Stat. 321, as amended; 36 U.S.C. 90i) ;

(9) The words "including a full and complete report of its receipts and expenditures" contained in section 11 of the Act of February 24, 1925 (43 Stat. 968; 36 U.S.C. 101) ;

(10) The words "including a full and complete report of its receipts and expenditures" and the word "financial" contained in section 8 of the Act of May 28, 1936 (49 Stat. 1391; 36 U.S.C. 118);

(11) The words "including a full and complete statement of its receipts and expenditures" contained in section 4 of the Act of June 6, 1940 (54 Stat. 233; 36 U.S.C. 140c);

(12) Section 15 of the Act of June 30, 1950 (64 Stat. 315; 36 U.S.C. 235);

(13) Section 14 of the Act of August 30, 1950 (64 Stat. 566; 36 U.S.C. 284);

(14) The words "including the full and complete statement of its receipts and expenditures" contained in section 7 of the Act of September 20, 1950 (64 Stat. 869; 36 U.S.C. 317);

(15) Section 9 of the Act of September 20, 1950 (64 Stat. 872; 36 U.S.C. 349);

(16) The words "including the full and complete statement of its receipts and expenditures" contained in section 12 of the Act of September 21, 1950 (64 Stat. 902; 36 U.S.C. 382);

(17) Section 16 of the Act of April 3, 1952 (66 Stat. 40; 36 U.S.C. 416);

(18) Section 14 of the Act of August 13, 1953 (67 Stat. 565; 36 U.S.C. 444);

(19) Section 15 of the Act of August 13, 1953 (67 Stat. 573; 36 U.S.C. 475);

(20) Section 14 of the Act of July 19, 1954 (68 Stat. 491; 36 U.S.C. 514);

(21) Section 15 of the Act of August 20, 1954 (68 Stat. 751; 36 U.S.C. 545);

(22) Section 14 of the Act of August 24, 1954 (68 Stat. 799; 36 U.S.C. 584);

(23) Section 14 of the Act of August 28, 1954 (68 Stat. 894; 36 U.S.C. 614);

(24) Section 14 of the Act of August 4, 1955 (69 Stat. 489; 36 U.S.C. 644);

(25) Section 14 of the Act of August 1, 1956 (70 Stat. 796; 36 U.S.C. 674);

(26) Section 14 of the Act of August 6, 1956 (70 Stat. 1055; 36 U.S.C. 704);

(27) Section 15 of Public Law 85-530 (72 Stat. 374; 36 U.S.C. 775);

(28) Section 14 of Public Law 85-642 (72 Stat. 600; 36 U.S.C. 804);

(29) Section 14 of Public Law 85-761 (72 Stat. 858; 36 U.S.C. 834);

(30) Section 14 of Public Law 85-769 (72 Stat. 926; 36 U.S.C. 864);

(31) Section 14 of Public Law 85-870 (72 Stat. 1694; 36 U.S.C. 894);

(32) Section 13 of Public Law 85-903 (72 Stat. 1741; 36 U.S.C. 923);

(33) Section 14 of Public Law 86-653 (74 Stat. 518; 36 U.S.C. 954);

(34) Section 14 of Public Law 86-680 (74 Stat. 576; 36 U.S.C. 984);

- (35) Section 15 of Public Law 87-650 (76 Stat. 505; 36 U.S.C. 1015);
 (36) Section 14 of Public Law 87-655 (76 Stat. 533; 36 U.S.C. 1054);
 (37) Section 14 of Public Law 87-817 (76 Stat. 933);
 (38) The words "including the full and complete statements of its receipts and expenditures" contained in section 8 of the Act of August 25, 1937 (50 Stat. 800).
 Approved August 30, 1964.

Public Law 88-505

August 30, 1964
 [H. R. 5543]

AN ACT

To extend the provisions of the Act of October 11, 1949 (63 Stat. 759, ch. 672; 32 D.C. Code 417), to authorize the commitment of persons of unsound mind found on Federal reservations in Loudoun County, Virginia, to Saint Elizabeths Hospital in the District of Columbia.

St. Elizabeths
 Hospital, D.C.
 Commitment of
 persons from
 Loudoun County,
 Va.

D.C. Code 32-
 417a.

D.C. Code 32-
 417a.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of October 11, 1949 (63 Stat. 759; sec. 32-417, D.C. Code), is amended to read as follows: "That any United States commissioner specially designated for that purpose by the United States District Court for the Eastern District of Virginia or by the United States District Court for the District of Maryland shall have jurisdiction and authority to commit to Saint Elizabeths Hospital in the District of Columbia, for observation and diagnosis, any person found in any place over which the United States has exclusive or concurrent jurisdiction in Arlington County, Fairfax County, Loudoun County, or the city of Alexandria, in the State of Virginia, or in Montgomery County or in Prince Georges County, in the State of Maryland, who is alleged, and is believed by the commissioner, to be of unsound mind. Any United States commissioner specially designated for that purpose by the United States District Court for the District of Columbia shall have like jurisdiction and authority in the case of any person temporarily detained in Saint Elizabeths Hospital, pursuant to section 2 hereof. Any such commitment shall be for a period not exceeding thirty days and may be made only after a hearing before the commissioner upon the testimony under oath of at least two witnesses who shall testify as to their belief that the said person is of unsound mind and, in addition, upon the testimony under oath or affidavit of two physicians, at least one of whom is skilled in the treatment and diagnosis of nervous and mental disorders, who shall testify or certify in writing that they have examined the said person alleged to be of unsound mind and believe said person to be of unsound mind and not fit to remain at liberty and go unrestrained, and that such person should be in custody in a hospital for the treatment of mental or nervous disorders for his own safety and welfare and for the preservation of the peace and good order. It shall be the duty of the head of the agency of the United States in control of the place where such person is apprehended to forthwith notify the husband or wife or some near relative or friend of the person so apprehended whose address may be known to said agency head or whose address can by reasonable inquiry be ascertained by him: *Provided further,* That in the case of any person described in section 6, the agency head shall notify the head of the department having jurisdiction over the service to which the individual belongs. The agency of the United States in control of

the place where such person is apprehended is authorized to employ physicians for the aforesaid purpose and to pay compensation for their services and to pay expenses of witnesses in such proceedings out of funds available therefor. Physicians who are officers or employees of the United States or who are members of the Armed Forces of the United States are hereby authorized to render such services without additional compensation."

Approved August 30, 1964.

Public Law 88-506

AN ACT

August 30, 1964
[H. R. 11118]

To provide for the disposition of funds from judgments in favor of the Nehalem Band of the Tillamook Indians and the Tillamook Band of the Tillamook Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall prepare a roll of all persons who meet both of the following requirements for eligibility: (1) They were born on or prior to and living on the date of this Act; and (2) their name or the name of an ancestor through whom they claim eligibility appears either on the census roll of the Naalem (Nehalem) Band of Tillamook Indians dated January 28, 1898, or on the annuity payment roll of the Tillamook Band of Tillamook Indians prepared in 1914 under the provisions of the Act of August 24, 1912 (37 Stat. L., 519-535). Applications for enrollment must be filed with the area director of the Bureau of Indian Affairs, Portland, Oregon, within six months after the date of this Act on forms prescribed for that purpose. The determination of the Secretary regarding the eligibility for enrollment of an applicant shall be final.

Tillamook
Indians.
Judgment funds.

SEC. 2. The Secretary is authorized and directed to withdraw the funds on deposit in the Treasury of the United States to the credit of the Nehalem and Tillamook Bands of Indians that were appropriated by the Act of May 17, 1963 (77 Stat. 43), in satisfaction of a judgment obtained by the bands in the Indian Claims Commission against the United States in Docket Numbered 240 together with the interest accrued thereon and to pro rate such funds among those persons whose names appear on the roll prepared pursuant to section 1 of this Act. The Secretary shall distribute shares payable to living persons enrolled pursuant to section 1 of this Act and shares payable to the heirs and legatees of deceased persons enrolled pursuant to section 1 of this Act according to such rules and regulations as he may prescribe.

SEC. 3. The funds distributed in accordance with this Act shall not be subject to the Federal or State income tax.

SEC. 4. Any costs incurred by the Secretary in the preparation of the rolls and in the distribution of payment of pro rata shares in accordance with the provisions of this Act shall be paid by appropriate withdrawals from the judgment fund.

SEC. 5. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Approved August 30, 1964.

Public Law 88-507

August 30, 1964
[H. R. 11296]

AN ACT

Making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1965, and for other purposes.

Independent
Offices Appropri-
ation Act, 1965.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1965, and for other purposes, namely:

TITLE I

EXECUTIVE OFFICE OF THE PRESIDENT
NATIONAL AERONAUTICS AND SPACE COUNCIL

SALARIES AND EXPENSES

72 Stat. 427;
75 Stat. 46.

60 Stat. 810.

For expenses necessary for the National Aeronautics and Space Council, established by section 201 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2471), including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed \$100 per diem, \$500,000.

OFFICE OF EMERGENCY PLANNING

SALARIES AND EXPENSES

For expenses necessary for the Office of Emergency Planning, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); reimbursement of the General Services Administration for security guard services; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of the Office; \$4,600,000: *Provided*, That not to exceed \$400,000 of the foregoing amount shall remain available until expended for studies and research to develop measures and plans for emergency preparedness and telecommunications.

STATE AND LOCAL PREPAREDNESS

For expenses, not otherwise provided for, necessary for studies and research to develop State and local programs for the effective use in time of war of natural and industrial resources for military and civilian needs, for the maintenance and stabilization of the civilian economy in time of war, and for the adjustment of such economy to war needs and conditions, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), \$1,500,000, to remain available until expended.

CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS OF FEDERAL
AGENCIES

For expenses necessary to assist other Federal agencies to perform civil defense and defense mobilization functions, including payments by the Department of Labor to State employment security agencies

for the full cost of administration of defense manpower mobilization activities, \$4,190,000.

OFFICE OF SCIENCE AND TECHNOLOGY

SALARIES AND EXPENSES

For expenses necessary for the Office of Science and Technology, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed \$75 per diem, \$900,000.

60 Stat. 810.

FUNDS APPROPRIATED TO THE PRESIDENT

DISASTER RELIEF

For expenses necessary to carry out the purposes of the Act of September 30, 1950, as amended (42 U.S.C. 1855-1855g), authorizing assistance to States and local governments in major disasters, \$20,000,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

64 Stat. 1109.

DEPARTMENT OF DEFENSE

CIVIL DEFENSE

OPERATION AND MAINTENANCE

For expenses, not otherwise provided for, necessary for carrying out civil defense activities, including the hire of motor vehicles; and financial contributions to the States for civil defense purposes, as authorized by law, \$75,000,000, of which not to exceed \$16,000,000 shall be available for allocation under section 205 of the Federal Civil Defense Act of 1950, as amended, and not to exceed \$14,500,000 shall be available for management expenses for civil defense including not to exceed 1,000 positions.

72 Stat. 533.
50 USC app.
2286.

RESEARCH, SHELTER SURVEY AND MARKING

For expenses, not otherwise provided for, necessary for studies and research to develop measures and plans for civil defense, and for continuing shelter surveys, marking and stocking, \$30,200,000, to remain available until expended.

GENERAL PROVISIONS

Appropriations contained in this Act for carrying out civil defense activities shall not be available in excess of the limitations on appropriations contained in Section 408 of the Federal Civil Defense Act, as amended (50 U.S.C. App. 2260).

No part of any appropriation in this Act shall be available for the construction of warehouses or for the lease of warehouse space in any building which is to be constructed specifically for civil defense activities.

64 Stat. 1257;
72 Stat. 534.

No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation or agency included in this Act, shall be used for construction of fallout shelters except in construction of new buildings under the heading, "Construction, Public Buildings Projects", for the fiscal year 1965.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PUBLIC HEALTH SERVICE

EMERGENCY HEALTH ACTIVITIES

For expenses necessary for carrying out emergency planning and preparedness functions of the Public Health Service, and procurement, storage (including underground storage), distribution, and maintenance of emergency civil defense medical supplies and equipment authorized by section 201(h) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C., App. 2281(h)), \$8,875,000, to remain available until expended.

64 Stat. 1248;
72 Stat. 532.

INDEPENDENT OFFICES

CIVIL AERONAUTICS BOARD

SALARIES AND EXPENSES

For necessary expenses of the Civil Aeronautics Board, including employment of temporary guards on a contract or fee basis; not to exceed \$1,000 for official reception and representation expenses; hire, operation, maintenance, and repair of aircraft; hire of passenger motor vehicles; and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not to exceed \$100 per diem; \$10,607,500.

60 Stat. 810.

PAYMENTS TO AIR CARRIERS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376), as is payable by the Board, including not to exceed \$3,358,000 for subsidy for helicopter operations during the current fiscal year, \$82,500,000, to remain available until expended.

72 Stat. 763.

CIVIL SERVICE COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); not to exceed \$10,000 for medical examinations performed for veterans by private physicians on a fee basis; payment in advance for library membership in societies whose publications are available to members only or to members at a price lower than to the general public; not to exceed \$90,000 for performing the duties imposed upon the Commission by the Act of July 19, 1940 (54 Stat. 767); and not to exceed \$5,000 for actuarial services by contract, without regard to section 3709, Revised Statutes, as amended; \$21,996,000: *Provided*, That no part of this appropriation shall be available for the Career Executive Board established by Executive Order 10758 of March 4, 1958, as amended.

No part of the appropriations herein made to the Civil Service Commission shall be available for the salaries and expenses of the Legal Examining Unit in the Examining and Personnel Utilization Division of the Commission, established pursuant to Executive Order 9358 of July 1, 1943.

5 USC 1181,
118k-118n.

41 USC 5.

5 USC 631
note.

3 CFR, 1943-
1948 Comp.,
p. 256.

INVESTIGATION OF UNITED STATES CITIZENS FOR EMPLOYMENT BY
INTERNATIONAL ORGANIZATIONS

For expenses necessary to carry out the provisions of Executive Order No. 10422 of January 9, 1953, as amended, prescribing procedures for making available to the Secretary General of the United Nations, and the executive heads of other international organizations, certain information concerning United States citizens employed, or being considered for employment by such organizations, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), \$600,000: *Provided*, That this appropriation shall be available for advances or reimbursements to the applicable appropriations or funds of the Civil Service Commission and the Federal Bureau of Investigation for expenses incurred by such agencies under said Executive order: *Provided further*, That members of the International Organizations Employees Loyalty Board may be paid actual transportation expenses, and per diem in lieu of subsistence authorized by the Travel Expense Act of 1949, as amended, while traveling on official business away from their homes or regular places of business, including periods while en route to and from and at the place where their services are to be performed.

22 USC 287
note.

60 Stat. 810.

63 Stat. 166;
75 Stat. 339, 340.
5 USC 835 note.

ANNUITIES UNDER SPECIAL ACTS

For payment of annuities authorized by the Act of May 29, 1944, as amended (48 U.S.C. 1373a), and the Act of August 19, 1950, as amended (33 U.S.C. 771-775), \$1,650,000.

58 Stat. 257;
70 Stat. 607.
64 Stat. 465;
72 Stat. 49.GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES
HEALTH BENEFITS FUND

For payment to the "Employees health benefits fund" of Government contributions with respect to annuitants, as authorized by section 7 of the Federal Employees Health Benefits Act (5 U.S.C. 3006), \$10,650,000, to remain available until expended: *Provided*, That not to exceed \$1,138,000 of the funds in the "Employees health benefits fund" shall be available for reimbursement to the Civil Service Commission for administrative expenses incurred by the Commission during the current fiscal year in the administration of the Federal Employees Health Benefits Act of 1959, as amended (5 U.S.C. 3001-3014), including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

73 Stat. 713.

GOVERNMENT CONTRIBUTIONS, RETIRED EMPLOYEES HEALTH BENEFITS
FUND

For payment to the "Retired employees health benefits fund" of Government contributions with respect to retired employees, as authorized by section 4 of the Retired Federal Employees Health Benefits Act (5 U.S.C. 3053), \$14,800,000, to remain available until expended: *Provided*, That, without regard to the provisions of any other Act, not to exceed \$348,000 of the funds in the "Retired employees health benefits fund" shall be available for reimbursement to the Civil Service Commission for administrative expenses incurred by the Commission during the current fiscal year in the administration of the Retired Federal Employees Health Benefits Act, as amended (5 U.S.C. 3051-3060), including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

74 Stat. 850.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

5 USC 2259 and
note, 2260, 2268.

For financing the estimated cost of new and increased annuity benefits, during the current fiscal year, as provided by Part III of Public Law 87-793 (76 Stat. 868), \$65,000,000, to be credited to the civil service retirement and disability fund.

LIMITATION ON ADMINISTRATIVE EXPENSES, EMPLOYEES LIFE INSURANCE FUND

68 Stat. 736.
60 Stat. 810.
69 Stat. 678.
72 Stat. 87.

Not to exceed \$273,500 of the funds in the "Employees life insurance fund" shall be available for reimbursement to the Civil Service Commission for administrative expenses incurred by the Commission during the current fiscal year in the administration of the Federal Employees' Group Life Insurance Act of 1954, as amended (5 U.S.C. 2091-2103), including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a): *Provided*, That this limitation shall include expenses incurred under section 10 of the Act, notwithstanding the provisions of section 1 of Public Law 85-377 (5 U.S.C. 2094(c)).

FEDERAL AVIATION AGENCY

OPERATIONS

60 Stat. 170.
49 USC 1101
note.

For necessary expenses of the Federal Aviation Agency, not otherwise provided for, including administrative expenses for research and development and for establishment of air navigation facilities, and carrying out the provisions of the Federal Airport Act; not to exceed \$10,000 for representation allowances and for official entertainment; purchase of fourteen passenger motor vehicles, including ten for replacement only; and purchase and repair of skis and snowshoes; \$542,600,000: *Provided*, That total costs of aviation medicine, including equipment, for the Federal Aviation Agency, whether provided in the foregoing appropriation or elsewhere in this Act, shall not exceed \$6,200,000 or include in excess of 406 positions: *Provided further*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities.

FACILITIES AND EQUIPMENT

For an additional amount for the acquisition, establishment, and improvement by contract or purchase and hire of air navigation and experimental facilities, including the initial acquisition of necessary sites by lease or grant; the construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Agency stationed at remote localities where such accommodations are not available (at a total cost of construction of not to exceed \$50,000 per housing unit in Alaska); and purchase of eight aircraft; \$50,000,000, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment of air navigation facilities: *Provided further*, That no part of the foregoing appropriation shall be available for the construction of a new wind tunnel.

GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred under authority granted in the Act of August 3, 1955 (69 Stat. 441), to enter into contracts, \$7,000,000, to remain available until expended.

49 USC 1101-1111 *passim*.

GRANTS-IN-AID FOR AIRPORTS

For grants-in-aid for airports pursuant to the provisions of the Federal Airport Act, as amended, \$150,000,000, to remain available until expended, as follows: for the purposes of section 5(d)(4) of such Act: \$66,500,000 for each of the fiscal years 1965 and 1966; for the purposes of section 5(d)(5) of such Act, \$1,500,000 for each of the fiscal years 1965 and 1966; and for the purposes of section 5(d)(6) of such Act, \$7,000,000 for each of the fiscal years 1965 and 1966.

Ante, p. 159.

RESEARCH AND DEVELOPMENT

For expenses, not otherwise provided for, necessary for research, development, and service testing in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$40,000,000, to remain available until expended.

72 Stat. 731.

OPERATION AND MAINTENANCE, WASHINGTON NATIONAL AIRPORT

For expenses incident to the care, operation, maintenance, improvement and protection of the Washington National Airport; purchase, cleaning and repair of uniforms; and arms and ammunition; \$3,565,000.

OPERATION AND MAINTENANCE, DULLES INTERNATIONAL AIRPORT

For expenses incident to the care, operation, maintenance, improvement and protection of the Dulles International Airport, including purchase of three passenger motor vehicles for police type use, for replacement only, which may exceed by \$300 the general purchase price limitation for the current fiscal year, purchase, cleaning and repair of uniforms; and arms and ammunition; \$4,319,000.

CONSTRUCTION, WASHINGTON NATIONAL AIRPORT

For necessary expenses for construction at Washington National Airport, including acquisition of land, \$1,710,000, to remain available until expended.

CONSTRUCTION, DULLES INTERNATIONAL AIRPORT

For necessary expenses for construction at Dulles International Airport, \$180,000, to remain available until expended.

GENERAL PROVISIONS

During the current fiscal year applicable appropriations to the Federal Aviation Agency shall be available for the Federal Aviation Agency to conduct the activities specified in the Act of October 26, 1949, as amended (5 U.S.C. 596a), under determinations and regulations by the Administrator of the Federal Aviation Agency; maintenance and operation of aircraft; hire of passenger motor vehicles and

63 Stat. 907.

68 Stat. 1114.

aircraft; and uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131).

63 Stat. 388;
69 Stat. 430.

Money hereafter recovered from the pool and fountain at Dulles International Airport shall not be subject to the Act of June 30, 1949, as amended (40 U.S.C. 484m, 485a), and may be given to a nonprofit organization which, in the determination of the Administrator of the Federal Aviation Agency, promotes and provides for the welfare of travelers in air commerce.

Funds appropriated under this Act for expenditure by the Federal Aviation Agency may be expended for reimbursement of other Federal agencies for expenses incurred, on behalf of the Federal Aviation Agency, in the settlement of claims for damages resulting from sonic boom in connection with research conducted as part of the civil supersonic aircraft development.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

60 Stat. 810.

For necessary expenses in performing the duties of the Commission as authorized by law, including land and structures (not to exceed \$85,400), special counsel fees, improvement and care of grounds and repairs to buildings (not to exceed \$14,500), services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed \$100 per diem, not to exceed \$500 for official reception and representation expenses, and purchase of not to exceed one passenger motor vehicle for replacement only, \$16,385,000.

FEDERAL POWER COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the work of the Commission, as authorized by law, including hire of passenger motor vehicles, and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed \$100 per diem for individuals, \$12,439,500.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 2131), and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not to exceed \$100 per diem, \$12,875,000: *Provided*, That no part of the foregoing appropriation shall be expended upon any investigation hereafter provided by concurrent resolution of the Congress until funds are appropriated subsequently to the enactment of such resolution to finance the cost of such investigation: *Provided further*, That no part of the foregoing appropriation shall be used for an economic questionnaire or financial study of intercorporate relations.

GENERAL SERVICES ADMINISTRATION

OPERATING EXPENSES, PUBLIC BUILDINGS SERVICE

For necessary expenses, not otherwise provided for, of real property management and related activities as provided by law; rental of buildings in the District of Columbia; restoration of leased premises; moving Government agencies (including space adjustments) in connection with the assignment, allocation, and transfer of building space; acquisition by purchase or otherwise of real estate and interests therein; and contractual services incident to cleaning or servicing buildings and moving; \$219,185,000: *Provided*, That this appropriation shall be available to provide such fencing, lighting, guard booths, and other removable facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its function of protecting the person of the President of the United States and his immediate family, the President-elect, and the Vice President pursuant to Title 18, U.S.C. 3056: *Provided further*, That no part of this appropriation may be used after January 1, 1965, to finance the cost of any new or expanded space requirement of any department or agency, including moving, rental, alteration, equipment, or any other cost relating thereto, which has not previously been funded by transfer of funds to the General Services Administration to cover such costs for at least one full fiscal year.

65 Stat. 122;
76 Stat. 956.

REPAIR AND IMPROVEMENT OF PUBLIC BUILDINGS

For expenses, not otherwise provided for, necessary to alter public buildings and to acquire additions to sites pursuant to the Public Buildings Act of 1959 (73 Stat. 479) and to alter other Federally-owned buildings and to acquire additions to sites thereof, including grounds, approaches and appurtenances, wharves and piers, together with the necessary dredging adjacent thereto; and care and safeguarding of sites; preliminary planning of projects by contract or otherwise; maintenance, preservation, demolition, and equipment; \$90,000,000, to remain available until expended: *Provided*, That for the purposes of this appropriation, buildings constructed pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356) and the Post Office Department Property Act of 1954 (39 U.S.C. 2104 et seq.), and buildings under the control of another department or agency where alteration of such buildings is required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of General Services Administration shall be considered to be public buildings.

40 USC 601
note.

68 Stat. 518, 521;
74 Stat. 590.

CONSTRUCTION, PUBLIC BUILDINGS PROJECTS

For an additional amount for expenses, not otherwise provided for, necessary to construct and acquire public buildings projects and alter public buildings by extension or conversion where the estimated cost for a project is in excess of \$200,000 pursuant to the Public Buildings Act of 1959 (73 Stat. 479), including fallout shelters (in new buildings only) and equipment for such buildings, \$153,167,000, and not to exceed \$500,000 of this amount shall be available to the Administrator for construction or alteration of small public buildings outside the District of Columbia as the Administrator approves and deems necessary, all to remain available until expended: *Provided*, That the foregoing amount shall be available for public buildings projects at locations and at maximum construction improvement costs (excluding funds for sites and expenses) as follows:

Fallout shelters.

Federal office building, Centre, Alabama, \$144,800;
Post office and Federal office building, Cullman, Alabama, \$417,200;
Post office and Federal office building, Vernon, Alabama, \$169,900;
Post office and Federal office building, Hope, Arkansas, \$311,700;
Post office and Federal office building, Marshall, Arkansas, \$178,100;
Post office and Federal office building, McCrory, Arkansas, \$91,800;
Post office and Federal office building, Mountain Home, Arkansas,
\$179,800;
Post office and Federal office building, Blythe, California, \$306,300;
Post office and Federal office building, Del Mar, California, \$146,000;
Post office and Federal office building, Harbor City, California,
\$152,500;
Post office and Federal office building, Jackson, California, \$255,600;
Customs and appraisers warehouse, Los Angeles-Long Beach Har-
bor area, California, in addition to the sum heretofore provided,
\$2,572,200;
Post office and Federal office building, Solana Beach, California,
\$146,000;
Post office and Federal office building, Weed, California, \$126,700;
Federal office building, West Los Angeles, California, \$13,204,300;
Post office and Federal office building, Glenwood Springs, Colorado,
\$312,100;
Post office and Federal office building, Leadville, Colorado,
\$176,400;
Post office and Federal office building, Windsor Locks, Connecticut,
\$240,700;
Post office and Federal office building, Cross City, Florida, \$141,700;
Post office and Federal office building, Oakland Park Branch, Fort
Lauderdale, Florida, \$152,800;
Federal office building, Jacksonville, Florida, \$6,383,300;
Post office and Federal office building, Gratigny Branch, Miami,
Florida, \$204,400;
Post office and Federal office building, Ocoee, Florida, \$124,300;
Post office and Federal office building, Acworth, Georgia, \$127,000;
Post office and Federal office building, Chatsworth, Georgia,
\$208,400;
Post office and Federal office building, Toccoa, Georgia, \$282,600;
Post office and Federal office building, Warm Springs, Georgia,
\$70,200;
Post office and Federal office building, Arthur, Illinois, \$110,600;
Federal office building, East St. Louis, Illinois, \$810,700;
Post office and Federal office building, Edwardsville, Illinois,
\$342,900;
Post office and Federal office building, Red Bud, Illinois, \$94,600;
Courthouse and Federal office building, Evansville, Indiana,
\$1,981,800;
Post office and Federal office building, Evansville, Indiana, \$1,614,-
600;
Post office and Federal office building, Scottsburg, Indiana, \$232,900;
Post office and Federal office building, Shoals, Indiana, \$119,700;
Federal office building, Des Moines, Iowa, \$8,050,700;
Post office and Federal office building, Scott City, Kansas, \$281,000;
Post office and Federal office building, Wellington, Kansas, \$259,200;
Post office and Federal office building, Clinton, Kentucky, \$185,300;
Treasury Regional Service Center (Internal Revenue Service),
Covington, Kentucky, \$3,438,000;
Post office and Federal office building, Cumberland, Kentucky,
\$102,200;

Post office and Federal office building, Olive Hill, Kentucky, \$148,400;
Post office and Federal office building, Paris, Kentucky, \$218,100;
Federal office building, Richmond, Kentucky, \$160,800;
Post office and Federal office building, Russell Springs, Kentucky, \$86,100;
Post office and Federal office building, Baton Rouge, Louisiana, \$3,487,000;
Post office and Federal office building, Crowley, Louisiana, \$303,500;
Post office and Federal office building, Gueydan, Louisiana, \$101,600;
Post office and Federal office building, Mamou, Louisiana, \$72,000;
Post office and Federal office building, Mansura, Louisiana, \$80,300;
Post office and Federal office building, Oberlin, Louisiana, \$97,400;
Post office and courthouse, Opelousas, Louisiana, \$954,600;
Post office and Federal office building, Thibodaux, Louisiana, \$263,500;
Post office and Federal office building, Calais, Maine, \$278,200;
Post office and Federal office building, Lubec, Maine, \$104,500;
Post office and Federal office building, Machias, Maine, \$220,600;
Post office and Federal office building, Centreville, Maryland, \$205,000;
Post office and Federal office building, North East, Maryland, \$114,800;
Post office and Federal office building, Prince Frederick, Maryland, \$185,900;
Central heating plant, Suitland, Maryland, \$3,213,000;
General Services Administration, Federal records center, Boston, Massachusetts, \$883,800;
Treasury Regional Service Center (Internal Revenue Service), Boston-Lawrence area, Massachusetts, \$3,748,500;
Post office and Federal office building, Marlboro, Massachusetts, \$242,800;
Post office and Federal office building, Milford, Massachusetts, \$274,600;
Post office and Federal office building, Springfield, Massachusetts, \$2,804,500;
Internal Revenue Service National Administrative Service Center and Regional Training Center Building, Detroit, Michigan, \$2,925,000;
Post office and Federal office building, Lawton, Michigan, \$89,000;
Post office and Federal office building, Mancelona, Michigan, \$94,100;
Post office and Federal office building, Baudette, Minnesota, \$159,700;
Courthouse and Federal office building, St. Paul, Minnesota, \$9,120,300;
Post office and Federal office building, Bay Springs, Mississippi, \$154,800;
Post office and Federal office building, Coldwater, Mississippi, \$83,500;
Post office and Federal office building, Port Gibson, Mississippi, \$154,400;
Post office and Federal office building, Richton, Mississippi, \$80,700;
Post office and Federal office building, Branson, Missouri, \$142,200;
Post office and Federal office building, Crystal City, Missouri, \$125,900;
Post office and Federal office building, Montgomery City, Missouri, \$248,000;
Post office and Federal office building, Fullerton, Nebraska, \$178,700;
Post office and Federal office building, Gothenburg, Nebraska, \$147,800;

Post office and courthouse, Carson City, Nevada, \$1,956,100;
Post office and Federal office building, Berlin, New Hampshire,
\$317,000;
Post office and Federal office building, Avenel, New Jersey, \$133,200;
Post office and Federal office building, Burlington, New Jersey,
\$261,800;
Federal office building, Newark, New Jersey, \$12,230,200;
Post office and Federal office building, Raton, New Mexico, \$319,000;
Federal office building, Buffalo, New York, \$11,145,900;
Post office and Federal office building, Keeseville, New York,
\$106,100;
Post office and Federal office building, Andrews, North Carolina,
\$105,100;
Post office and Federal office building, Cary, North Carolina,
\$111,600;
Post office and Federal office building, Jacksonville, North Carolina,
\$274,700;
Federal office building, Kinston, North Carolina, \$164,300;
Post office and Federal office building, Mars Hill, North Carolina,
\$101,700;
Post office and Federal office building, Raeford, North Carolina,
\$226,900;
Post office and Federal office building, Rich Square, North Carolina,
\$87,300;
Post office and Federal office building, Waynesville, North Carolina,
\$401,000;
Post office and Federal office building, Windsor, North Carolina,
\$151,100;
Post office and Federal office building, Hillsboro, Ohio, \$337,300;
Post office and Federal office building, Mantua, Ohio, \$154,400;
Post office and Federal office building, Afton, Oklahoma, \$107,300;
Post office and Federal office building, Elk City, Oklahoma, \$222,400;
Post office and Federal office building, Hugo, Oklahoma, \$269,500;
Post office and Federal office building, Jay, Oklahoma, \$174,800;
Post office and Federal office building, Baker, Oregon, \$1,176,800;
Post office and Federal office building, Enterprise, Oregon, \$195,900;
Post office and Federal office building, Prineville, Oregon, \$252,300;
Post office and Federal office building, Scappoose, Oregon, \$125,700;
Post office and Federal office building, Berwick, Pennsylvania,
\$267,800;
Post office and Federal office building, Brookeville, Pennsylvania,
\$154,400;
Post office and Federal office building, Dallas, Pennsylvania,
\$151,700;
Post office and Federal office building, Duncannon, Pennsylvania,
\$92,300;
Post office and Federal office building, Falls Creek, Pennsylvania,
\$96,700;
Post office and Federal office building, Galetton, Pennsylvania,
\$119,500;
Post office and Federal office building, Hawley, Pennsylvania,
\$151,700;
Post office and Federal office building, Irwin, Pennsylvania,
\$224,400;
Post office and Federal office building, Montrose, Pennsylvania,
\$151,700;
Post office and Federal office building, New Bethlehem, Pennsyl-
vania, \$154,400;

Post office and Federal office building, Cedarhurst Branch, Pittsburgh, Pennsylvania, \$182,300;

Post office and Federal office building, Green Tree Branch, Pittsburgh, Pennsylvania, \$182,300;

Post office and Federal office building, Pleasant Hills Branch, Pittsburgh, Pennsylvania, \$182,300;

Post office and Federal office building, Youngsville, Pennsylvania, \$96,700;

Post office and Federal office building, Humacao, Puerto Rico, \$181,300;

Post office and Federal office building, Olneyville Station, Providence, Rhode Island, \$235,300;

Post office and Federal office building, Elloree, South Carolina, \$87,400;

Post office and Federal office building, Ridgeland, South Carolina, \$246,500;

Post office and Federal office building, Williston, South Carolina, \$91,800;

Post office and Federal office building, Oneida, Tennessee, \$131,800;

Post office and Federal office building, Buffalo, Texas, \$86,000;

Post office and Federal office building, Carthage, Texas, \$235,600;

Post office and Federal office building, Fairfield, Texas, \$168,700;

Post office and Federal office building, Gonzales, Texas, \$224,000;

Post office and Federal office building, Naples, Texas, \$104,100;

Post office and Federal office building, Sulphur Springs, Texas, \$279,500;

Post office and Federal office building, Heber, Utah, \$161,300;

Post office and Federal office building, Provo, Utah, \$378,000;

Post office and Federal office building, St. Johnsbury, Vermont, \$335,000;

Franconia warehouse building, Franconia, Virginia, \$5,800,000;

Post office and Federal office building, Cle Elum, Washington, \$120,200;

Federal office building, Colville, Washington, \$393,200;

Post office and Federal office building, Newport, Washington, \$136,700;

Courthouse and Federal office building, Spokane, Washington, \$6,502,500;

Federal office building, Vancouver, Washington, \$426,500;

Post office and Federal office building, Gassaway, West Virginia, \$115,200;

Post office and Federal office building, Glenville, West Virginia, \$159,300;

Post office and Federal office building, Parsons, West Virginia, \$171,200;

Post office and Federal office building, Pineville, West Virginia, \$157,500;

Post office and Federal office building, Summersville, West Virginia, \$232,200;

Post office and Federal office building, White Sulphur Springs, West Virginia, \$129,300;

Post office and Federal office building, Eagle River, Wisconsin, \$152,700;

Post office and Federal office building, Elroy, Wisconsin, \$113,400;

Post office and Federal office building, Horicon, Wisconsin, \$120,800;

Housing and Home Finance Agency building, District of Columbia, \$26,108,100;

Provided further, That the foregoing limits of costs may be exceeded to the extent that savings are effected in other projects, but by not to

exceed 10 per centum: *Provided further*, That the amount of \$840,300 appropriated under this head in the Independent Offices Appropriation Acts, 1931 and 1962, for projects at Vanceboro, Maine, Pembina, North Dakota, and Wyandotte, Michigan, is hereby made available for the purposes of this appropriation, and the maximum construction improvement cost for construction of the Post Office and Federal office building at Augusta, Maine, provided in the Independent Offices Appropriation Act, 1963, is hereby increased by \$460,000 and the maximum construction improvement cost for construction of the border station facility at Derby Line, Vermont, provided in the Independent Offices Appropriation Act, 1962, is hereby increased by \$183,000.

Not to exceed \$120,000 heretofore appropriated under the heading "Construction, Public Buildings Projects", in the Independent Offices Appropriation Act, 1963, may be transferred to the appropriation for "Construction, United States Mission Building, New York, New York", for the payment of contractor's claims.

SITES AND EXPENSES, PUBLIC BUILDINGS PROJECTS

For an additional amount for expenses necessary in connection with the construction of public buildings projects not otherwise provided for, as specified under this head in the Independent Offices Appropriation Acts of 1959 and 1960, including preliminary planning of public buildings projects by contract or otherwise, \$20,109,000, to remain available until expended.

PAYMENTS, PUBLIC BUILDINGS PURCHASE CONTRACTS

For payments of principal, interest, taxes, and any other obligations under contracts entered into pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356), \$9,885,000.

EXPENSES, UNITED STATES COURT FACILITIES

For necessary expenses, not otherwise provided for, to provide, directly or indirectly, additional space for the United States Courts incident to expansion of facilities (including rental of buildings in the District of Columbia and elsewhere and moving and space adjustments), and furniture and furnishings; \$1,030,600.

OPERATING EXPENSES, FEDERAL SUPPLY SERVICE

For expenses, not otherwise provided, necessary for supply distribution, procurement, inspection, operation of the stores depot system (including contractual services incident to receiving, handling, and shipping warehouse items), and other supply management and related activities, as authorized by law, \$50,670,000.

OPERATING EXPENSES, UTILIZATION AND DISPOSAL SERVICE

For necessary expenses, not otherwise provided for, incident to the utilization and disposal of excess and surplus property, and rehabilitation of personal property, as authorized by law, \$9,512,500, to be derived from proceeds from the transfer of excess property and the disposal of surplus property.

OPERATING EXPENSES, NATIONAL ARCHIVES AND RECORDS SERVICE

For necessary expenses in connection with Federal records management and related activities as provided by law, including reimbursement for security guard services, and contractual services incident to movement or disposal of records, \$15,055,000, including \$25,000 which shall be available for continuing to carry out the purposes of Sec. 2 of Public Law 88-195 approved December 11, 1963, for the period ending June 30, 1965.

77 Stat. 348.

OPERATING EXPENSES, TRANSPORTATION AND
COMMUNICATIONS SERVICE

For necessary expenses of transportation, communications, and other public utilities management and related activities, as provided by law, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed \$75 per diem for individuals, \$5,465,000.

60 Stat. 810.

STRATEGIC AND CRITICAL MATERIALS

For necessary expenses in carrying out the provisions of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h), during the current fiscal year, for transportation and handling, within the United States (including charges at United States ports), storage, security, and maintenance of strategic and other materials acquired for or transferred to the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(b)), not to exceed \$1,500,000 for carrying out the provisions of the National Industrial Reserve Act of 1948 (50 U.S.C. 451-462), relating to machine tools and industrial manufacturing equipment for which the General Services Administration is responsible, including reimbursement for security guard services, services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and not to exceed \$2,937,500 for operating expenses, \$17,755,000, to be derived from sales of strategic and critical materials: *Provided*, That no part of funds available shall be used for construction of warehouses or tank storage facilities: *Provided further*, That during the current fiscal year the General Services Administration is authorized to acquire leasehold interests in property, for periods not in excess of twenty years, for the storage, security, and maintenance of strategic, critical, and other materials and equipment held pursuant to the aforesaid Act provided said leasehold interests are at nominal cost to the Government: *Provided further*, That during the current fiscal year, there shall be no limitation on the value of surplus strategic and critical materials which, in accordance with section 6(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)), may be transferred without reimbursement to stockpiles established in accordance with said Act: *Provided further*, That any receipts from sales during the current fiscal year shall be promptly deposited into the Treasury except as otherwise provided herein: *Provided further*, That during the current fiscal year materials in the inventory maintained under the Defense Production Act of 1950, as amended, and, after compliance with the disposal requirements of section 3(e) of the Strategic and Critical Materials Stock Piling Act, excess materials in the national stockpile established pursuant to that Act, shall be available, without reimbursement, for transfer at fair market value to contractors as payment for expenses of refining, processing, or otherwise beneficiating materials, pursuant to section 3(c) of the Strategic and Critical Materials Stock Piling Act, into a form best suitable for stockpiling.

73 Stat. 607.

62 Stat. 1225.

60 Stat. 598.

64 Stat. 798.
50 USC app.
2061.

SALARIES AND EXPENSES, OFFICE OF ADMINISTRATOR

For expenses of executive direction for activities under the control of the General Services Administration, \$1,517,500: *Provided*, That not to exceed \$500 shall be available for reception and representation expenses.

EXPENSES, PRESIDENTIAL TRANSITION

For expenses necessary to carry out the provisions of the Presidential Transition Act of 1963 (78 Stat. 153), \$400,000, to remain available until June 30, 1966.

ALLOWANCES AND OFFICE FACILITIES FOR FORMER PRESIDENTS

3 USC 102
note.

For carrying out the provisions of the Act of August 25, 1958 (72 Stat. 838), \$310,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of sections (a) and (e) of such Act.

ADMINISTRATIVE OPERATIONS FUND

Funds available to General Services Administration for administrative operations, in support of program activities, shall be expended and accounted for, as a whole, through a single fund: *Provided*, That costs and obligations for such administrative operations for the respective program activities shall be accounted for in accordance with systems approved by the General Accounting Office: *Provided further*, That the total amount deposited into said account for the current fiscal year from funds made available to General Services Administration in this Act shall not exceed \$20,000,000: *Provided further*, That amounts deposited into said account for administrative operations for each program shall not exceed the amounts included in the respective program appropriations for such purposes.

WORKING CAPITAL FUND

59 Stat. 115;
63 Stat. 380.

To increase the capital of the working capital fund established by the Act of May 3, 1945 (40 U.S.C. 293), \$100,000.

GENERAL PROVISIONS

61 Stat. 584.

The appropriate appropriation or fund available to the General Services Administration shall be credited with (1) cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129); (2) reimbursements for services performed in respect to bonds and other obligations under the jurisdiction of the General Services Administration, issued by public authorities, States, or other public bodies, and such services in respect to such bonds or obligations as the Administrator deems necessary and in the public interest may, upon the request and at the expense of the issuing agencies, be provided from the appropriate foregoing appropriation; and (3) appropriations or funds available to other agencies, and transferred to the General Services Administration, in connection with property transferred to the General Services Administration pursuant to the Act of July 2, 1948 (50 U.S.C. 451ff), and such appropriations or funds may be so transferred, with the approval of the Bureau of the Budget.

62 Stat. 1225.

Appropriations to the General Services Administration under the heading "Construction, Public Buildings Projects" made in this Act

shall be available, subject to the provisions of the Public Buildings Act of 1959 for (1) acquisition of buildings and sites thereof by purchase, condemnation, or otherwise, including prepayment of purchase contracts, (2) extension or conversion of Government-owned buildings, and (3) construction of new buildings, in addition to those set forth under that appropriation: *Provided*, That nothing herein shall authorize an expenditure of funds for acquisition, extension or conversion, or construction without the approval of the Committees on Appropriations of the Senate and House of Representatives.

Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

No part of any money appropriated by this or any other Act for any agency of the executive branch of the Government shall be used during the current fiscal year for the purchase within the continental limits of the United States of any typewriting machines except in accordance with regulations issued pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

Not to exceed 2 per centum of any appropriation made available to the General Services Administration for the current fiscal year by this Act may be transferred to any other such appropriation, but no such appropriation shall be increased thereby more than 2 per centum: *Provided*, That such transfers shall apply only to operating expenses, and shall not exceed in the aggregate the amount of \$2,000,000.

Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for (a) reimbursement to the General Services Administration for those expenses of renovation and alteration of buildings and facilities which constitute public improvements, performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479) or other applicable law, and (b) transfer or reimbursement to applicable appropriations to said Administration for rents and related expenses, not otherwise provided for, of providing subject to Executive Order 11035, dated July 9, 1962, directly or indirectly, suitable general purpose space for any such department or agency, in the District of Columbia or elsewhere.

No part of any appropriation contained in this Act shall be used for the payment of rental on lease agreements for the accommodation of Federal agencies in buildings and improvements which are to be erected by the lessor for such agencies at an estimated cost of construction in excess of \$200,000 or for the payment of the salary of any person who executes such a lease agreement: *Provided*, That the foregoing proviso shall not be applicable to projects for which a prospectus for the lease construction of space has been submitted to and approved by the appropriate Committees of the Congress in the same manner as for public buildings construction projects pursuant to the Public Buildings Act of 1959.

HOUSING AND HOME FINANCE AGENCY

OFFICE OF THE ADMINISTRATOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Administrator, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed \$75 per diem for individuals; and purchase of two passenger motor vehicles including one at not to exceed \$4,000 and one for replacement only; \$15,725,000: *Provided*, That during the current fiscal year non-administrative expenses, as defined by law (77 Stat. 437), shall not exceed \$3,375,000.

73 Stat. 479.
40 USC 601 note.

63 Stat. 377.
40 USC 471 note.

40 USC 490 note.

60 Stat. 810.

12 USC 1749d.

URBAN PLANNING GRANTS

For grants in accordance with the provisions of section 701 of the Housing Act of 1954, as amended, \$2,350,000.

73 Stat. 678.
40 USC 461.

URBAN STUDIES AND HOUSING RESEARCH

For urban studies and housing research as authorized by the Housing Acts of 1948 and 1956, as amended, including administrative expenses in connection therewith, \$387,400.

62 Stat. 1268;
70 Stat. 1091.
12 USC 1747
note, 1703 note.

ADMINISTRATIVE EXPENSES, MASS TRANSPORTATION DEMONSTRATIONS

For necessary expenses in connection with mass transportation demonstration projects, as authorized by section 103(b) of the Housing Act of 1949, as amended, \$100,000.

63 Stat. 416.
42 USC 1453.

OPEN SPACE LAND GRANTS

For expenses in connection with grants to aid in the acquisition of open-space land or interests therein, and with the provision of technical assistance to State and local public bodies (including the undertaking of studies and publication of information), \$15,000,000: *Provided*, That not to exceed \$262,000 may be used for administrative expenses and technical assistance, and no part of this appropriation shall be used for administrative expenses in connection with grants requiring payments in excess of the amount herein appropriated therefor.

ADMINISTRATIVE EXPENSES, LOW INCOME HOUSING DEMONSTRATIONS

For necessary expenses in connection with low income housing demonstration projects, as authorized by section 207 of the Housing Act of 1961, \$25,000.

75 Stat. 165.
42 USC 1436.

PUBLIC WORKS PLANNING FUND

For the revolving fund established pursuant to section 702 of the Housing Act of 1954, as amended (40 U.S.C. 462), \$1,000,000, together with such additional sums not to exceed \$3,000,000 as may be necessary to restore to said revolving fund the amounts which are not required to be repaid pursuant to section 702(g) of the Housing Act of 1954, as added by section 6 of the Public Works Acceleration Act (40 U.S.C. 462g), to be immediately available.

69 Stat. 641.

76 Stat. 544.

URBAN RENEWAL FUND (LIQUIDATION OF CONTRACT AUTHORIZATION)

For an additional amount for payment of grants as authorized by title I of the Housing Act of 1949, as amended (42 U.S.C. 1453, 1456), \$200,000,000.

63 Stat. 416;
75 Stat. 166, 167.

HOUSING FOR THE ELDERLY

HOUSING FOR THE ELDERLY FUND

For the revolving fund established pursuant to section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q et seq.), \$25,000,000.

73 Stat. 667.

PUBLIC HOUSING ADMINISTRATION

ANNUAL CONTRIBUTIONS

For the payment of annual contributions to public housing agencies in accordance with section 10 of the United States Housing Act of 1937, as amended (42 U.S.C. 1410), \$200,000,000.

50 Stat. 891.

ADMINISTRATIVE EXPENSES

For administrative expenses of the Public Housing Administration, \$15,784,000, to be expended under the authorization for such expenses contained in title II of this Act.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not to exceed \$100 per diem; and purchase of not to exceed thirty-seven passenger motor vehicles for replacement only; \$25,485,000, of which not less than \$1,889,500 shall be available for expenses necessary to carry out railroad safety activities and not less than \$1,261,500 shall be available for expenses necessary to carry out locomotive inspection activities: *Provided*, That Joint Board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their duties as such.

60 Stat. 810.

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, supplies, materials, equipment; maintenance, repair, and alteration of real and personal property; and purchase, hire, maintenance, and operation of other than administrative aircraft necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration \$4,363,594,000, to remain available until expended.

CONSTRUCTION OF FACILITIES

For advance planning, design, and construction of facilities for the National Aeronautics and Space Administration and for the acquisition or condemnation of real property, as authorized by law, \$262,880,500, to remain available until expended.

ADMINISTRATIVE OPERATIONS

For necessary expenses, not otherwise provided for, of the operation of the National Aeronautics and Space Administration, including uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); minor construction; supplies, materials, services, and equipment; awards; purchase or hire of not to exceed two aircraft for administrative use; maintenance and operation of administrative aircraft; purchase and hire of motor vehicles (including purchase of not to exceed eighty-five passenger motor vehicles, of which forty shall be for replacement only); and

68 Stat. 1114.

maintenance, repair, and alteration of real and personal property; \$623,525,500.

GENERAL PROVISIONS

Not to exceed 5 per centum of any appropriation made available to the National Aeronautics and Space Administration by this Act may be transferred to any other such appropriation.

Not to exceed \$35,000 of the appropriation "Administrative Operations" in this Act for the National Aeronautics and Space Administration shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

No part of any appropriation made available to the National Aeronautics and Space Administration by this Act shall be used for expenses of participating in a manned lunar landing to be carried out jointly by the United States and any other country without the consent of the Congress.

NATIONAL CAPITAL HOUSING AUTHORITY

OPERATION AND MAINTENANCE OF PROPERTIES

48 Stat. 930.
D.C. Code 5-111.

For the operation and maintenance of properties under title I of the District of Columbia Alley Dwelling Act, \$37,000: *Provided*, That all receipts derived from sales, leases, or other sources shall be covered into the Treasury of the United States monthly: *Provided further*, That so long as funds are available from appropriations for the foregoing purposes, the provisions of section 507 of the Housing Act of 1950 (Public Law 475, Eighty-first Congress), shall not be effective.

64 Stat. 81.

NATIONAL SCIENCE FOUNDATION

SALARIES AND EXPENSES

64 Stat. 149.

For expenses necessary to carry out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including award of graduate fellowships; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); purchase, maintenance and operation of one aircraft; hire of one aircraft; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; and reimbursement of the General Services Administration for security guard services; \$420,400,000, to remain available until expended: *Provided*, That of the foregoing amount not less than \$37,600,000 shall be available for tuition, grants, and allowances in connection with a program of supplementary training for secondary school science and mathematics teachers: *Provided further*, That not to exceed \$1,000,000 of the foregoing appropriation may be used to purchase foreign currencies which accrue under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), for the purposes authorized by section 104(k) of that Act: *Provided further*, That no part of the foregoing appropriation may be transferred to any other agency of the government for research without the approval of the Bureau of the Budget.

72 Stat. 275.

RENEGOTIATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Renegotiation Board, including hire of passenger motor vehicles and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), \$2,600,000.

60 Stat. 810.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 2131), and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not to exceed \$100 per diem, \$14,680,000.

68 Stat. 1114.

60 Stat. 810.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the operation and maintenance of the Selective Service System, as authorized by title I of the Universal Military Training and Service Act (62 Stat. 604), as amended, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); hire of motor vehicles; purchase of thirteen passenger motor vehicles for replacement only; not to exceed \$62,000 for the National Selective Service Appeal Board; and \$38,000 for the National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists; \$40,009,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense.

50 USC app.
451 note.

31 USC 665.

VETERANS ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Veterans Administration, not otherwise provided for, including expenses incidental to securing employment for and recognition of war veterans; uniforms or allowances therefor, as authorized by law; not to exceed \$1,000 for official reception and representation expenses; reimbursement of the Department of the Army for the services of the officer assigned to the Veterans Administration to serve as Assistant Deputy Administrator; and reimbursement of the General Services Administration for security guard service; \$155,125,000: *Provided*, That no part of this appropriation shall be used to pay in excess of twenty-two persons engaged in public relations work: *Provided further*, That no part of this appropriation shall be used to pay educational institutions for reports and certifications of attendance at such institutions an allowance at a rate in excess of \$1 per month for each eligible veteran enrolled in and attending such institution.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For expenses necessary for administration of the medical, hospital, domiciliary, construction and supply, research, employee education and training activities, as authorized by law, \$14,200,000.

MEDICAL AND PROSTHETIC RESEARCH

For expenses necessary for carrying out programs of medical and prosthetic research and development, as authorized by law, to remain available until expended, \$37,000,000, of which \$1,275,000 shall be for prosthetic research and development activities.

MEDICAL CARE

For expenses necessary for the maintenance and operation of hospitals and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans Administration including care and treatment in facilities not under the jurisdiction of the Veterans Administration, and furnishing recreational articles and facilities; maintenance, operation and acquisition of farms and burial grounds; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract, or by the hire of temporary employees and purchase of materials; purchase of eighty-four passenger motor vehicles for replacement only; uniforms or allowances therefor as authorized by law (5 U.S.C. 2131); and aid to State homes as authorized by section 641 of title 38, United States Code; \$1,115,935,000, plus reimbursements: *Provided*, That allotments and transfers may be made from this appropriation to the Department of Health, Education, and Welfare (Public Health Service), the Army, Navy, and Air Force Departments, for disbursements by them under the various headings of their applicable appropriations, of such amounts as are necessary for the care and treatment of beneficiaries of the Veterans Administration.

68 Stat. 1114.

Ante, p. 500.

COMPENSATION AND PENSIONS

For the payment of compensation, pensions, gratuities, and allowances (including burial awards authorized by section 902 of title 38, United States Code, burial flags, and subsistence allowances for vocational rehabilitation), authorized under any Act of Congress, or regulation of the President based thereon, including emergency officers' retirement pay and annuities, the administration of which is now or may hereafter be placed in the Veterans Administration, and for the payment of adjusted-service credits as provided in sections 401 and 601 of the Act of May 19, 1924, as amended, and for payment of amounts of compromises or settlements under 28 U.S.C. 2677 of tort claims potentially subject to the offset provisions of 38 U.S.C. 351, \$3,963,000,000, to remain available until expended.

72 Stat. 1169.

43 Stat. 125,
128.

62 Stat. 984.

72 Stat. 1124;
76 Stat. 950.

READJUSTMENT BENEFITS

For the payment of benefits to or on behalf of veterans as authorized by part VIII, Veterans Regulation No. 1(a), as saved from repeal by section 12(a) of the Act of September 2, 1958 (72 Stat. 1264), and chapters 21, 33, 35, 37, and 39 of title 38, United States Code, and for supplies, equipment, and tuition authorized by chapter 31 of title 38, United States Code, \$37,100,000, to remain available until expended.

38 USC note
prec. pt. 1.
72 Stat. 1167
et seq.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, for national service life insurance, for servicemen's indemnities, and for service-disabled veterans insurance, \$13,700,000, to remain available until expended.

CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES

For hospital and domiciliary facilities, for planning and for major alterations, improvements, and repairs and extending any of the facilities under the jurisdiction of the Veterans Administration or for

any of the purposes set forth in sections 5001, 5002, and 5004, title 38, United States Code, \$98,103,000, to remain available until expended: *Provided*, That the limitation under the head "Hospital and domiciliary facilities" in the Independent Offices Appropriation Act, 1957, on the amount available for major alteration, rehabilitation, and modernization for the continued operation of the hospital at McKinney, Texas, is reduced from "\$2,000,000" to "\$1,990,000".

72 Stat. 1251.

70 Stat. 350.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants in accordance with sections 631 to 634 of title 38, United States Code, for expenses incident to medical care and treatment of veterans, \$310,000.

72 Stat. 1145.

LOAN GUARANTY REVOLVING FUND

During the current fiscal year, the Loan guaranty revolving fund shall be available for expenses, but not to exceed \$380,000,000, for property acquisitions and other loan guaranty and insurance operations under Chapter 37, title 38, United States Code, except administrative expenses, as authorized by section 1824 of such title: *Provided*, That the retained earnings of the Direct loans to veterans and reserves revolving fund shall be available, during the current fiscal year, for transfer to said Loan guaranty revolving fund in such amounts as may be necessary to provide for the foregoing expenses: *Provided further*, That, in addition, not to exceed \$200,000,000 of unobligated balances of said Direct loans revolving fund shall be available, during the current fiscal year, for transfer to the Loan guaranty revolving fund in such amount as may be necessary to provide for the foregoing expenses and the Administrator of Veterans' Affairs shall not be required to pay interest on amounts so transferred after the time of such transfer.

72 Stat. 1203;
74 Stat. 532.
38 USC 1801-
1825.

ADMINISTRATIVE PROVISIONS

Not to exceed 5 per centum of any appropriation for the current fiscal year for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations, but not to exceed 10 per centum of the appropriations so augmented.

Appropriations available to the Veterans Administration for the current fiscal year for salaries and expenses shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

60 Stat. 810.

The appropriation available to the Veterans Administration for the current fiscal year for "Medical care" shall be available for funeral, burial, and other expenses incidental thereto (except burial awards authorized by section 902 of title 38, United States Code), for beneficiaries of the Veterans Administration receiving care under such appropriations.

72 Stat. 1169.

No part of the appropriations in this Act for the Veterans Administration (except the appropriation for "Construction of hospital and domiciliary facilities") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans Affairs.

INDEPENDENT OFFICES—GENERAL PROVISIONS

Travel ex-
penses.

SEC. 102. Where appropriations in this title are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System, to travel performed in connection with the investigation of aircraft accidents by the Civil Aeronautics Board, to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration, or to payments to interagency motor pools where separately set forth in the budget schedules.

Positions of em-
ployees entering
Armed Forces.

SEC. 103. No part of any appropriation contained in this title shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Civil Service Commission as still qualified to perform the duties of his former position and has not been restored thereto.

Real estate pur-
chase or sale,
restriction.

SEC. 104. No part of any appropriation made available by the provisions of this title shall be used for the purchase or sale of real estate or for the purpose of establishing new offices outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

TITLE II—CORPORATIONS

The following corporations and agencies, respectively, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Budget for the current fiscal year for each such corporation or agency, except as hereinafter provided:

61 Stat. 584.
31 USC 849.

FEDERAL HOME LOAN BANK BOARD

LIMITATION OF ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES,
FEDERAL HOME LOAN BANK BOARD

Not to exceed a total of \$3,747,500 shall be available for administrative expenses of the Federal Home Loan Bank Board, which may procure services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed \$100 per diem for individuals, and contracts for such services with one organization may be renewed annually, and uniforms or allowances therefor in accordance with the Act of September 1, 1954, as amended (5 U.S.C. 2131–2133), and said amount shall be derived from funds available to the Federal Home Loan Bank Board, including those in the Federal Home Loan Bank Board revolving fund and receipts of the Board for the current fiscal year and prior fiscal years, and the Board may utilize and may

60 Stat. 810.

68 Stat. 1114.

make payment for services and facilities of the Federal home-loan banks, the Federal Reserve banks, the Federal Savings and Loan Insurance Corporation, and other agencies of the Government (including payment for office space): *Provided*, That all necessary expenses in connection with the conservatorship of institutions insured by the Federal Savings and Loan Insurance Corporation or preparation for or conduct of proceedings under section 6(i) of the Federal Home Loan Bank Act or under section 5(d) of the Home Owners' Loan Act of 1933 or section 407 or 408 of the National Housing Act and all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the handling, including the purchase, sale, and exchange, of securities on behalf of Federal home-loan banks, and the sale, issuance, and retirement of, or payment of interest on, debentures or bonds, under the Federal Home Loan Bank Act, as amended, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That members and alternates of the Federal Savings and Loan Advisory Council shall be entitled to reimbursement from the Board as approved by the Board for transportation expenses incurred in attendance at meetings of or concerned with the work of such Council and may be paid not to exceed \$25 per diem in lieu of subsistence: *Provided further*, That expenses of any functions of supervision (except of Federal home-loan banks) vested in or exercisable by the Board shall be considered as nonadministrative expenses: *Provided further*, That not to exceed \$1,000 shall be available for official reception and representation expenses: *Provided further*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of the Federal Home Loan Bank Act of July 22, 1932, as amended (12 U.S.C. 1421-1449): *Provided further*, That the nonadministrative expenses (except those included in the first proviso hereof) for the supervision and examination of Federal and State chartered institutions (other than special examinations determined by the Board to be necessary) shall not exceed \$13,120,000 for not to exceed 1,000 positions.

47 Stat. 729.
12 USC 1426.
68 Stat. 634.
12 USC 1464.
64 Stat. 259;
73 Stat. 691.
12 USC 1730,
1730a.

47 Stat. 725.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Not to exceed \$225,000 shall be available for administrative expenses, which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses in connection with liquidation of insured institutions or preparation for or conduct of proceedings under section 407 or 408 of the National Housing Act, liquidation or handling of assets of or derived from insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of insured institutions, legal fees and expenses, and payments for expenses of the Federal Home Loan Bank Board determined by said Board to be properly allocable to said Corporation, and said Corporation may utilize and may make payment for services and facilities of the Federal home-loan banks, the Federal Reserve banks, the Federal Home Loan Bank Board, and other agencies of the Government: *Provided*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed and paid in accordance with title IV of the Act of June 27, 1934, as amended (12 U.S.C. 1724-1730a).

48 Stat. 1255;
73 Stat. 691.

HOUSING AND HOME FINANCE AGENCY

LIMITATION ON ADMINISTRATIVE EXPENSES, OFFICE OF THE
ADMINISTRATOR, COLLEGE HOUSING LOANS

64 Stat. 77.

Not to exceed \$1,900,000 shall be available for all administrative expenses of carrying out the functions of the Administrator under the program of housing loans to educational institutions (title IV of the Housing Act of 1950, as amended, 12 U.S.C. 1749-1749d), but this amount shall be exclusive of payment for services and facilities of the Federal Reserve banks or any member thereof, the Federal home-loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

64 Stat. 873.

LIMITATION ON ADMINISTRATIVE EXPENSES, OFFICE OF THE
ADMINISTRATOR, PUBLIC FACILITY LOANS

69 Stat. 642.
42 USC 1491-
1497.

Not to exceed \$1,220,000 of funds in the revolving fund established pursuant to title II of the Housing Amendments of 1955, as amended, shall be available for administrative expenses, but this amount shall be exclusive of payment for services and facilities of the Federal Reserve banks or any member thereof, the Federal home-loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

LIMITATION ON ADMINISTRATIVE EXPENSES, OFFICE OF THE
ADMINISTRATOR, REVOLVING FUND (LIQUIDATING PROGRAMS)

During the current fiscal year not to exceed \$110,000 shall be available for administrative expenses, but this amount shall be exclusive of expenses necessary in the case of defaulted obligations to protect the interests of the Government and legal services on a contract or fee basis and of payment for services and facilities of the Federal Reserve banks or any member thereof, any servicer approved by the Federal National Mortgage Association, the Federal home-loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES,
OFFICE OF THE ADMINISTRATOR, HOUSING FOR THE ELDERLY

73 Stat. 667.

Not to exceed \$915,000 of funds in the revolving fund established pursuant to section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q et seq.), shall be available for administrative and non-administrative expenses, but this amount shall be exclusive of payment for services and facilities of the Federal National Mortgage Association, the Federal Reserve banks or any member thereof, the Federal home-loan banks and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

**LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL NATIONAL
MORTGAGE ASSOCIATION**

Not to exceed \$8,500,000 shall be available for administrative expenses, which shall be on an accrual basis, and shall be exclusive of interest paid, expenses (including expenses for fiscal agency services performed on a contract or fee basis) in connection with the issuance and servicing of securities, depreciation, properly capitalized expenditures, fees for servicing mortgages, expenses (including services performed on a force account, contract, or fee basis, but not including other personal services) in connection with the acquisition, protection, operation, maintenance, improvement, or disposition of real or personal property belonging to said Association or in which it has an interest, cost of salaries, wages, travel, and other expenses of persons employed outside of the continental United States, expenses of services performed on a contract or fee basis in connection with the performance of legal services, and all administrative expenses reimbursable from other Government agencies, and said Association may utilize and may make payment for services and facilities of the Federal Reserve banks and other agencies of the Government: *Provided*, That the distribution of administrative expenses to the accounts of the Association shall be made in accordance with generally recognized accounting principles and practices.

**LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES,
FEDERAL HOUSING ADMINISTRATION**

For administrative expenses in carrying out duties imposed by or pursuant to law, not to exceed \$9,687,500 of the various funds of the Federal Housing Administration shall be available, in accordance with the National Housing Act, as amended (12 U.S.C. 1701), including uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131): *Provided*, That funds shall be available for contract actuarial services (not to exceed \$1,500): *Provided further*, That nonadministrative expenses classified by section 2 of Public Law 387, approved October 25, 1949, shall not exceed \$78,000,000.

48 Stat. 1246.

68 Stat. 1114.

63 Stat. 905.
12 USC 1702.

**LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES,
PUBLIC HOUSING ADMINISTRATION**

Not to exceed the amount appropriated for such expenses by title I of this Act shall be available for the administrative expenses of the Public Housing Administration in carrying out the provisions of the United States Housing Act of 1937, as amended (42 U.S.C. 1401-1433), including purchase of uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131): *Provided*, That necessary expenses of providing representatives of the Administration at the sites of non-Federal projects in connection with the construction of such non-Federal projects by public housing agencies with the aid of the Administration, shall be compensated by such agencies by the payment of fixed fees which in the aggregate in relation to the development costs of such projects will cover the costs of rendering such services, and expenditures by the Administration for such purpose shall be considered nonadministrative expenses, and funds received from such payments may be used only for the payment of necessary expenses of providing representatives of the Administration at the sites of non-Federal projects: *Provided further*, That all expenses of the Public Housing Admin-

50 Stat. 888.

istration not specifically limited in this Act, in carrying out its duties imposed by law, shall not exceed \$1,420,000.

TITLE III—GENERAL PROVISIONS

Publicity or
propaganda.

SEC. 301. No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation or agency included in this Act, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before the Congress.

Personnel work.

SEC. 302. No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation or agency included in this Act, shall be used to pay the compensation of any employee engaged in personnel work in excess of the number that would be provided by a ratio of one such employee to one hundred and thirty-five, or a part thereof, full-time, part-time, and intermittent employees of the corporation or agency concerned: *Provided*, That for purposes of this section employees shall be considered as engaged in personnel work if they spend half time or more in personnel administration consisting of direction and administration of the personnel program; employment, placement, and separation; job evaluation and classification; employee relations and services; wage administration; and processing, recording, and reporting.

Research proj-
ects.
Indirect ex-
penses.

SEC. 303. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount for indirect expenses in connection with such project in excess of 20 per centum of the direct costs.

SEC. 304. None of the funds appropriated in this Act shall be used to conduct or assist in conducting any program (including but not limited to the payment of salaries, administrative expenses, and the conduct of research activities) related directly or indirectly to the establishment of a national service corps or similar domestic peace corps type of program.

Short title.

This Act may be cited as the "Independent Offices Appropriation Act, 1965".

Approved August 30, 1964.

Public Law 88-508

August 30, 1964
[H. R. 7662]

AN ACT

To amend the Federal Employees' Compensation Act, as amended, to provide appeal rights to employees of the Canal Zone Government and the Panama Canal Company.

Canal Zone
employees.
Appeal rights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 42 of the Federal Employees' Compensation Act (39 Stat. 750; 5 U.S.C. 793), as amended, is amended by adding at the end of the second paragraph the following: "The same right of appeal shall exist respecting claims filed by employees of the Canal Zone Government and of the Panama Canal Company or their dependents in case of death, as is provided with respect to the claims of other employees of the Federal Government, under the provisions of section 3 of Reorganization Plan Numbered 2 of 1946 (60 Stat. 1095), and the Appeals Board established pursuant to such reorganization plan shall have jurisdiction, under regulations prescribed by the Secretary of Labor, over appeals relating to claims of such employees or their dependents."

5 USC 133y-16
note.

Approved August 30, 1964.

Public Law 88-509

AN ACT

August 30, 1964
[H. R. 11466]

To enact subtitle II, "Other Commercial Transactions", of title 28, "Commercial Instruments and Transactions", of the District of Columbia Code, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the general and permanent laws of the District of Columbia, relating to commercial instruments and transactions, not embraced in "Subtitle I—Uniform Commercial Code" of title 28, District of Columbia Code, which was enacted by Public Law 88-243, are revised, codified, and enacted as "Subtitle II—Other Commercial Transactions", of title 28, and may be cited as "D.C. Code, §——", as follows:

District of
Columbia Code.
"Other Commer-
cial Transac-
tions."

77 Stat. 630.

SUBTITLE II—OTHER COMMERCIAL TRANSACTIONS

CHAPTER	Sec.
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CHAPTER 21—ASSIGNMENT FOR BENEFIT OF CREDITORS

Sec

- 28-2101. Form of assignment.
- 28-2102. Extent of assignment—Assets exempt.
- 28-2103. Assignee.
- 28-2104. Bond of assignee.
- 28-2105. Nonperformance by assignee—Trustee.
- 28-2106. Duties of assignee.
- 28-2107. Preferences prohibited.
- 28-2108. Proceedings for benefit of all creditors.
- 28-2109. Assignment to hinder or defraud creditors.
- 28-2110. Notice to creditors.

§ 28-2101. Form of assignment

In a voluntary assignment for the benefit of creditors, the debtor shall annex to the assignment (1) an inventory, under oath or affirmation, of his estate, real and personal, according to the best of his knowledge, (2) a list of his creditors, their respective residences and places of business, if known, and (3) the amounts of their respective demands.

§ 28-2102. Extent of assignment—Assets exempt

An assignment vests in the assignee the title to all property, except what is legally exempt, belonging to the debtor at the time of making the assignment and comprehended within its general terms. The inventory annexed to an assignment is not conclusive as to the amount of the debtor's estate.

An assignment for the benefit of creditors does not include or cover property exempt from levy or sale on execution unless the exemption is expressly waived. The court may direct the manner in which exempt property may be ascertained and set aside before a sale by a trustee.

§ 28-2103. Assignee

Only a resident of the District of Columbia may be an assignee in an assignment for the benefit of creditors. His assent shall appear in writing in, or at the end of, or indorsed on, the assignment. An assignment is invalid unless acknowledged and recorded within five days after its execution in the land records of the District. A trust created by an assignment shall be executed under the supervision and control of the United States District Court for the District of Columbia.

§ 28-2104. Bond of assignee

Immediately upon the filing for record of an assignment for the benefit of creditors, the assignee shall execute and file in the clerk's office of the United States District Court for the District of Columbia his bond to the United States, in an amount and with security to be approved by a judge thereof, conditioned for the faithful performance of his duties according to law, and the court may from time to time require the assignee, or a trustee appointed in his place, to give additional security when required by the interests of the creditors.

§ 28-2105. Non-performance by assignee—Trustee

If an assignee named in an assignment for the benefit of creditors fails or refuses to comply with any of the requirements of sections 21-2103 and 21-2104, a judge of the District Court may, on the application of the assignor or a creditor interested in the assignment, remove the assignee and appoint a trustee in his place to execute the trusts created by the assignment, who shall give bond as the court may require. And the court may accept the resignation of an assignee or trustee, and in case of his resignation, death, or removal from the District, appoint a trustee in his place. The court, for cause shown, on the application of an interested person, may remove an assignee or trustee and appoint a trustee in his place, and make and enforce all orders necessary to put the newly appointed trustee in possession of all property covered by the assignment. Upon the death of an assignee or trustee the court may require his executor or administrator to settle his account and to deliver over to his successor all property belonging to the trust, in default of which the successor may bring suit upon the bond of the deceased assignee or trustee or upon the bond of the executor or administrator, accordingly as the assignee or trustee, executor or administrator is the party in default.

§ 28-2106. Duties of assignee

An assignee or trustee, after giving bond, shall collect and take into his possession all the property covered by the assignment, and to that end he may bring suit in his own name to recover debts due or property belonging to the assignor and embraced in the assignment. The court may require the assignor to be examined under oath touching his property, and may make all orders necessary to prevent any fraudulent transfer of or change in the property of the assignor. The assignee or trustee shall return inventories of the assets coming to his hands and, upon the direction of the court, sell and dispose of them; and his conveyance of any property of the assignor, real or personal, transfers the entire title of the assignor therein to the purchaser. When the assets have been converted into money the assignee or trustee shall settle his accounts and make distribution among the creditors, under the direction of the court, according to the usual course of proceeding in creditor's suits.

§ 28-2107. Preferences prohibited

A provision in a voluntary assignment made for the payment of one debt or liability in preference to another is void, and all debts and liabilities within the provisions of the assignment shall be paid pro rata from the assets. This section does not affect the priority of liens and incumbrances created bona fide and existing before the execution of the assignment.

§ 28-2108. Proceedings for benefit of all creditors

A proceeding instituted under this chapter by one or more creditors is deemed to be for the equal benefit of all creditors, but the court may make such allowance to the creditor or creditors instituting the same, out of the fund to be distributed, for expenses, including counsel fees, as may be just and equitable.

§ 28-2109. Assignment to hinder or defraud creditors

This chapter does not prevent a creditor otherwise entitled from attacking an assignment as made to hinder or defraud the creditors of the assignor. When the court finds an assignment to have been made with that intent, it may enjoin any proceeding thereunder, and upon finally decreeing the assignment to be void may appoint a trustee with power to take possession of all the property of the debtor, and may make and enforce all orders necessary to put him in possession of the property. The trustee shall qualify in the same manner and perform the same duties as the trustees provided for by this chapter.

§ 28-2110. Notice to creditors

The court shall require a trustee, whether named in the assignment or appointed by the court, in pursuance of this chapter, to give notice as the court may think proper to all the creditors of the assignor to produce and prove their respective claims against the assignor before the auditor of the court, to the end that they may be fairly adjudicated and the creditors may share equally the assets of the insolvent assignor, subject, however, to any legal priorities created by valid incumbrances antedating the assignment.

CHAPTER 23—ASSIGNMENT OF CHOSSES IN ACTION

Sec.

28-2301. Assignment of judgment or money decree.

28-2302. Assignment of bond or obligation.

28-2303. Assignment of nonnegotiable contract.

28-2304. General assignments including choses in action.

28-2305. Contract to assign future salary or wages.

§ 28-2301. Assignment of judgment or money decree

A judgment or money decree may be assigned in writing, and upon the assignment thereof being filed in the clerk's office the assignee may maintain an action or sue out an execution on the judgment in his own name, as the original plaintiff might have done.

§ 28-2302. Assignment of bond or obligation

An obligee named in a bond or obligation under seal for the payment of money may assign it in writing and the assignee may maintain an action thereon in his own name.

§ 28-2303. Assignment of nonnegotiable contract

An owner of a nonnegotiable written agreement for the payment of money, including a nonnegotiable bill of exchange and a promissory note, or for the delivery of personal property, an open account, debt, and demand of a liquidated character, except a claim against the United States or the salary of a public officer, may assign it in writing, and the assignee may maintain an action thereon in his own name.

§ 28-2304. General assignments including choses in action

In a general assignment which includes choses in action, it is not necessary to execute a separate assignment of each chose in action, but the assignee, by virtue of the general assignment, may sue in his own name on the several choses in action included therein.

§ 28-2305. Contract to assign future salary or wages

(a) A contract attempting or purporting to transfer or assign salary or wages to be earned by the debtor, if made in the District of Columbia, is invalid and contrary to public policy and unenforceable, and if made outside the District of Columbia, is unenforceable in any court within the District of Columbia.

(b) Whoever, in the District of Columbia demands or receives from a debtor an assignment of salary or wages to be thereafter earned by the debtor, or notifies an employer that he holds an assignment of such salary or wages, upon conviction shall be fined not more than \$200 or imprisoned not more than sixty days. Prosecutions under this subsection shall be upon information filed in the Criminal Division of the District of Columbia Court of General Sessions by the Corporation Counsel of the District of Columbia or one of his assistants.

CHAPTER 25—BONDS AND UNDERTAKINGS

Sec.

28-2501. Definitions.

28-2502. Action on bond in a penal sum containing an avoidance condition.

28-2503. Action on bond to United States—Interest by private person.

28-2504. Fiduciary's bond—Discharge only after accounting.

§ 28-2501. Definitions

A bond, when required by or referred to in this Code, means an obligation in a certain sum or penalty, subject to a condition, on breach of which it is to become absolute and enforceable by action.

An undertaking means an agreement entered into by a party to a suit or proceeding, with or without sureties, upon which a judgment or decree may be rendered in the same suit or proceeding against the party and his sureties, if any, the party and sureties submitting themselves to the jurisdiction of the court for that purpose.

§ 28-2502. Action on bonds in a penal sum containing an avoidance condition

A bond in a penal sum, containing a condition that it shall be void on the payment of a certain sum of money, or the performance of an act or of certain duties, has the same effect for the purpose of maintaining an action upon it as if it contained a covenant to pay the money or perform the act or the duties specified in the condition. But the damages to be recovered for a breach, or successive breaches, of the condition, as against the sureties therein, may not exceed the penalty of the bond.

§ 28-2503. Action on bond to United States—Interest by private person

When a bond is executed to the United States by a fiduciary or public officer, conditioned for the performance of certain duties, in the performance of which private persons are interested, a person aggrieved by a breach of the condition may maintain an action thereon in his own name against the obligor and his sureties to recover damages for the injury suffered by him in consequence of the breach. The custodian of the bond shall furnish a certified copy thereof to the party for that purpose on payment of the legal fees therefor.

§ 28-2504. Fiduciary's bond—Discharge only after accounting

A person appointed by order or decree of the court to a fiduciary office may not discharge his bond for the due performance of his duties, by receipts, releases, or acquittances from himself, as attorney for parties interested, to himself as fiduciary; but the funds or estate for the application whereof he is responsible shall be considered as remaining in his hands, and the bond shall continue in force as against both principal and sureties until the funds or estate are fully accounted for and paid over or delivered to the parties interested therein, or their attorney, other than himself.

CHAPTER 27—BUSINESS HOLIDAYS AND COMPUTATION OF TIME**SUBCHAPTER I—BUSINESS HOLIDAYS**

Sec.

28-2701. Holidays designated—Time for performing acts extended.**SUBCHAPTER II—COMPUTATION OF TIME****28-2711. Daylight-saving time.****Subchapter I—Business Holidays****§ 28-2701. Holidays designated—Time for performing acts extended**

The following days in each year, namely, the first day of January, commonly called New Year's Day; the twenty-second day of February, known as Washington's Birthday; the Fourth of July; the thirtieth day of May, commonly called Decoration Day; the first Monday in September, known as Labor Day; the twenty-fifth day of December, commonly called Christmas Day; every Saturday, after twelve o'clock noon; any day appointed or recommended by the President of the United States as a day of public feasting or thanksgiving, and the day of the inauguration of the President, in every fourth year are holidays in the District for all purposes. When a day set apart as a legal holiday falls on Sunday the next succeeding day is a holiday. In such cases, and when a Sunday and a holiday fall on successive days, all commercial paper falling due on any of those days shall, for all purposes of presenting for payment or acceptance, be deemed to mature and be presentable for payment or acceptance on the next secular business day succeeding. Every Saturday is a holiday in the District for (1) every bank or banking institution having an office or banking house located within the District, (2) every Federal savings and loan association whose main office is in the District, and (3) every building association, building and loan association, or savings and loan association, incorporated or unincorporated, organized and operating under the laws of and having an office located within the District. An act which would otherwise be required, authorized, or permitted to be performed on Saturday in the District at the office or banking house of, or by, any such bank or bank institution, Federal savings and loan association, building association, building and loan association, or savings and loan association, if Saturday were not a holiday, shall or may be so performed on the next succeeding business day, and liability or loss of rights of any kind may not result from such delay.

Subchapter II—Computation of Time

§ 28-2711. Daylight-saving time

The Board of Commissioners of the District of Columbia may advance the standard time applicable to the District one hour for the period commencing not earlier than the last Sunday of April and ending not later than the last Sunday of October, of each year. Any such time established by the Commissioners under the authority of this section, during the period of the year for which it is applicable, is the standard time for the District of Columbia.

CHAPTER 29—FIDUCIARY SECURITY TRANSFERS

Sec.

- 28-2901. Definitions.
- 28-2902. Registration in name of fiduciary.
- 28-2903. Assignment by fiduciary.
- 28-2904. Evidence of appointment of incumbency.
- 28-2905. Adverse claims.
- 28-2906. Nonliability of corporation and transfer agent.
- 28-2907. Nonliability of third persons.
- 28-2908. Territorial applicability.
- 28-2909. Tax obligations.

§ 28-2901. Definitions

In this chapter, unless the context otherwise requires:

(1) "assignment" includes a written stock power, bond power, bill of sale, deed, declaration of trust or other instrument of transfer;

(2) "claim of beneficial interest" includes a claim of any interest by a decedent's legatee, distributee, heir or creditor, a beneficiary under a trust, a ward, a beneficial owner of a security registered in the name of a nominee, or a minor owner of a security registered in the name of a custodian, or a claim of a similar interest, whether the claim is asserted by the claimant or by a fiduciary or by any other authorized person on his behalf, and includes a claim that the transfer would be in breach of fiduciary duties;

(3) "corporation" means a private or public corporation, association or trust issuing a security;

(4) "fiduciary" means an executor, administrator, trustee, guardian, committee, conservator, curator, tutor, custodian, or nominee;

(5) "person" includes an individual, a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or other legal or commercial entity;

(6) "security" includes a share of stock, bond, debenture, note or other security issued by a corporation which is registered as to ownership on the books of the corporation;

(7) "transfer" means a change on the books of a corporation in the registered ownership of a security;

(8) "transfer agent" means a person employed or authorized by a corporation to transfer securities issued by the corporation.

§ 28-2902. Registration in name of a fiduciary

A corporation or transfer agent registering a security in the name of a person who is a fiduciary or who is described as a fiduciary is not bound to inquire into the existence, extent, or correct description of the fiduciary relationship, and thereafter the corporation and its transfer agent may assume without inquiry that the newly registered owner continues to be the fiduciary until the corporation or transfer

agent receives written notice that the fiduciary is no longer acting as such with respect to the particular security.

§ 28-2903. Assignment by fiduciary

Except as otherwise provided by this chapter, a corporation or transfer agent making a transfer of a security pursuant to an assignment by a fiduciary:

(1) may assume without inquiry that the assignment, even though to the fiduciary himself or his nominee, is within his authority and capacity and is not in breach of his fiduciary duties;

(2) may assume without inquiry that the fiduciary has complied with any controlling instrument and with the law of the jurisdiction governing the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer; and

(3) is not charged with notice of and is not bound to obtain or examine any court record or recorded or unrecorded document relating to the fiduciary relationship or the assignment, even though the record or document is in its possession.

§ 28-2904. Evidence of appointment of incumbency

A corporation or transfer agent making a transfer pursuant to an assignment by a fiduciary who is not the registered owner shall require the following evidence of appointment or incumbency:

(1) in the case of a fiduciary appointed or qualified by a court, a certificate issued by or under the direction or supervision of the court or an officer thereof, and dated within sixty days before the transfer; or

(2) in any other case, a copy of a document showing the appointment or a certificate issued by or on behalf of a person reasonably believed by the corporation or transfer agent to be responsible or, in the absence of such a document or certificate, other evidence reasonably deemed by the corporation or transfer agent to be appropriate. Corporations and transfer agents may adopt reasonable standards with respect to evidence of appointment or incumbency under this subsection. Neither the corporation nor transfer agent is charged with notice of the contents of any document obtained pursuant to this subsection except to the extent that the contents relate directly to the appointment or incumbency.

§ 28-2905. Adverse claims

(a) A person asserting a claim of beneficial interest adverse to the transfer of a security pursuant to an assignment by a fiduciary may notify in writing the corporation or transfer agent of the claim. The corporation or transfer agent is not put on notice unless the written notice (1) identifies the claimant, the registered owner, and the issue of which the security is a part, (2) provides an address for communications directed to the claimant, and (3) is received before the transfer. This chapter does not relieve the corporation or transfer agent of any liability for making or refusing to make the transfer after it is so put on notice, unless it proceeds in the manner authorized by subsection (b).

(b) As soon as practicable after the presentation of a security for transfer pursuant to an assignment by a fiduciary, a corporation or transfer agent which has received notice of a claim of beneficial interest adverse to the transfer may send notice of the presentation by registered or certified mail to the claimant at the address given by him. If the corporation or transfer agent so mails such a notice it shall withhold the transfer for thirty days after the mailing and shall then make the transfer unless restrained by a court order.

§ 28-2906. Nonliability of corporation and transfer agent

A corporation or transfer agent does not incur liability to any person by making a transfer or otherwise acting in a manner authorized by this chapter.

§ 28-2907. Nonliability of third persons

(a) A person who participates in the acquisition, disposition, assignment or transfer of a security by or to a fiduciary including a person who guarantees the signature of the fiduciary is not liable for participation in any breach of fiduciary duty by reason of failure to inquire whether the transaction involves such a breach unless it is shown that he acted with actual knowledge that the proceeds of the transaction were being or were to be used wrongfully for the individual benefit of the fiduciary or that the transaction was otherwise in breach of duty.

(b) When a corporation or transfer agent makes a transfer pursuant to an assignment by a fiduciary, a person who guaranteed the signature of the fiduciary is not liable on the guarantee to any person to whom the corporation or transfer agent by reason of this chapter incurs no liability.

(c) This section does not impose any liability upon the corporation or its transfer agent.

§ 28-2908. Territorial application

(a) The rights and duties of a corporation and its transfer agents in registering a security in the name of a fiduciary or in making a transfer of a security pursuant to an assignment by a fiduciary are governed by the law of the jurisdiction under whose laws the corporation is organized.

(b) This chapter applies to the rights and duties of a person other than the corporation and its transfer agents with regard to acts and omissions in the District of Columbia in connection with the acquisition, disposition, assignment or transfer of a security by or to a fiduciary and of a person who guarantees in the District of Columbia the signature of a fiduciary in connection with such a transaction.

§ 28-2909. Tax obligations

This chapter does not affect any obligation of a corporation or transfer agent with respect to estate, inheritance, succession, or other taxes imposed by the laws of the District of Columbia.

CHAPTER 31—FRAUDULENT CONVEYANCES

Sec.

28-3101. Intent to defraud creditors.

28-3102. Intent to defraud purchasers.

28-3103. Fiduciaries' suit to vacate fraudulent transaction.

§ 28-3101. Intent to defraud creditors

A conveyance or assignment, in writing or otherwise, of an estate or interest in land or its rents and profits, or in goods or things in action, and a charge upon the same, and a bond or other evidence of debt given, or judgment or decree suffered, with the intent to hinder or defraud persons having just claims or demands, of their lawful suits, damages, or demands, is void as against the persons so hindered or defrauded.

This section does not affect the title of a purchaser for value, unless it appears that he had previous notice of the fraudulent intent of his immediate grantor, or of the fraud rendering void the title of the grantor. The question of fraudulent intent is a question of fact and not of law.

§ 28-3102. Intent to defraud purchasers

A conveyance of an estate or interest in land, or its rents and profits, and a charge upon the same, made or created with the intent to defraud prior or subsequent purchasers for a valuable consideration of the same lands, rents, or profits, are void, as against the purchasers. Such a conveyance or charge is not deemed fraudulent in favor of a subsequent purchaser who has actual or legal notice thereof at the time of his purchase, unless it appears that the grantee in the conveyance, or the person to be benefited by the charge, was privy to the fraud intended.

§ 28-3103. Fiduciary's suit to vacate fraudulent transaction

An executor, administrator, receiver, assignee, or trustee of an estate, or of the property and effects of an insolvent estate, corporation, association, partnership, or individual, may, for the benefit of creditors and others interested in the estate or property so held in trust, disaffirm, treat as void, and resist all acts done, transfers, and agreements made in fraud of the rights of a creditor, including themselves and others interested in an estate or property held by or of right belonging to him or the estate. Whoever, in fraud of the rights of creditors and others receives, takes, or in any manner interferes with the estate, property, or effects of a deceased person or insolvent corporation, association, partnership, or individual is liable, in the proper action, to the executors, administrators, receivers, or trustees of the estate or property for the same, or the value of any property or effects so received or taken, and for all damages caused by such acts to the trust estate.

CHAPTER 33—INTEREST AND USURY

Sec.

28-3301. Rate of interest expressed in contract.

28-3302. Rate of interest not expressed and on judgments.

28-3303. Usury defined.

28-3304. Action to recover usury paid.

28-3305. Unlawful interest credited on principal debt.

28-3306. Parties compelled to testify.

§ 28-3301. Rate of interest expressed in contract

The parties to an instrument in writing for the payment of money at a future time may contract therein for the payment of interest on the principal amount thereof at any rate not exceeding 8 percent per annum.

§ 28-3302. Rate of interest not expressed and on judgments

The rate of interest in the District upon the loan or forbearance of money, goods, or things in action, and the rate to be allowed in judgments and decrees, in the absence of express contract, is 6 percent per annum. Interest, when authorized by law, on judgments against the District of Columbia, is at the rate of not exceeding 4 percent per annum.

§ 28-3303. Usury defined

If a person or corporation contracts in the District,

(1) verbally, to pay a greater rate of interest than 6 percent per annum, or

(2) in writing, to pay a greater rate than 8 percent per annum, the creditor shall forfeit the whole of the interest so contracted to be received.

This section does not affect sections 26-601 to 26-611.

§ 28-3304. Action to recover usury paid

If a person or corporation in the District directly or indirectly takes or receive a greater amount of interest than is declared by this chapter to be lawful, whether in advance or not, the person or corporation paying the same may within one year after the date of payment sue for and recover the amount of the unlawful interest so paid.

§ 28-3305. Unlawful interest credited on principal debt

In an action upon a contract for the payment of money with interest at a rate forbidden by law, any payment of interest that may have been made on account of the contract is deemed to be payment made on account of the principal debt; and judgment shall be rendered for no more than the balance found due after deducting and properly crediting the interest so paid. A bona fide indorsee of negotiable paper purchased before due is not affected by any usury exacted by a former holder of the paper unless he had notice of the usury before his purchase.

§ 28-3306. Parties compelled to testify

When in an action to recover a debt the defendant claims that payment of unlawful interest on the debt has been made to the plaintiff or those under whom he claims, which the defendant is entitled to have credited on the principal of the debt, the plaintiff or the party who received the unlawful interest may be examined as a witness to prove the payment, and may not be excused from testifying in relation thereto. A creditor who is made defendant in a proceeding for discovery as to payments of unlawful interest made to him may not be excused from answering.

CHAPTER 35—STATUTE OF FRAUDS

Sec.

28-3501. Estate created otherwise than by deed.

28-3502. Special promise to answer for debt or default of another.

28-3503. Declaration, grant, and assignment of trust.

28-3504. New promise or acknowledgment of contract—Action against joint contractors.

28-3505. New promise or acknowledgment of debt incurred during infancy.

§ 28-3501. Estate created otherwise than by deed

An estate, attempted to be created for a greater term than one year in real estate, other than by deed, is an estate by sufferance.

§ 28-3502. Special promise to answer for debt or default of another

An action may not be brought to charge an executor or administrator upon a special promise to answer damages out of his own estate, or to charge the defendant upon a special promise to answer for the debt, default, or miscarriage of another person, or to charge a person upon an agreement made upon consideration of marriage, or upon a contract or sale of real estate, of any interest in or concerning it, or upon an agreement that is not to be performed within one year from the making thereof, unless the agreement upon which the action is brought, or a memorandum or note thereof, is in writing, which need not state the consideration, and signed by the party to be charged therewith or a person authorized by him.

§ 28-3503. Declaration, grant, and assignment of trust

A declaration or creation of trust or confidence of real estate which is not in writing, signed by the party who is by law enabled to declare the trust or by his last will in writing, is void.

A grant or assignment of a trust or confidence which is not in writing, signed by the party granting or assigning it, or by his last will, is void.

Where a conveyance is made of real estate by which a trust or confidence is or may arise or result by the implication or construction of law, or is transferred or extinguished by an act or operation of law, the trust or confidence is of the same effect as it would have been if this section had not been enacted.

§ 28-3504. New promise or acknowledgement of contract—Action against joint contractors

In an action upon a simple contract, an acknowledgement or promise by words only is not sufficient evidence of a new or continuing contract whereby to take the case out of the operation of the statute of limitations or to deprive a party of the benefit thereof unless the acknowledgement or promise is in writing, signed by the party chargeable thereby. This section does not alter or take away, or lessen the effect of a payment of principal or interest made by any person. In actions against two or more joint contractors, or executors, or administrators, if it appears at the trial, or otherwise, that the plaintiff, though barred by the statute of limitations as to one or more of the defendants, is nevertheless entitled to recover against any other defendant by virtue of a new acknowledgement or promise or otherwise, judgment may be given for the plaintiff as to that defendant. An indorsement or memorandum of a payment written or made upon a promissory note, bill of exchange, or other writing, by or on behalf of the party to whom the payment is to be made, is sufficient proof of the payment so as to take the case out of the operation of the statute of limitations.

§ 28-3505. New promise or acknowledgement of debt incurred during infancy

An action may not be maintained to charge a person upon an acknowledgement of, or promise to pay, a debt contracted during infancy, made after full age, except for necessities, unless the acknowledgement or promise is in writing signed by the party to be charged therewith. This section does not affect ratification by conduct.

SEC. 2. Section 12-301 of the District of Columbia Code is amended by adding the following paragraph at the end:

77 Stat. 510.

"This section does not apply to actions for breach or contracts for sale governed by § 28:2-725."

77 Stat. 670.

SEC. 3. (a) Section 15-106(e) of the District of Columbia Code is amended by striking out "28-2405" and inserting "28-2502".

77 Stat. 523.

(b) (1) Subchapter I of chapter 1, title 15 of the District of Columbia Code, is amended by adding the following new sections:

31 Stat. 1265;
Ante, p. 670.

77 Stat. 522.

"§ 15-108. Interest on judgment for liquidated debt

"In an action in the United States District Court for the District of Columbia to recover a liquidated debt on which interest is payable by contract or by law or usage the judgment for the plaintiff shall include interest on the principal debt from the time when it was due and payable, at the rate fixed by the contract, if any, until paid.

"§ 15-109. Interest on judgment for damages in contract or tort

"In an action to recover damages for breach of contract the judgment shall allow interest on the amount for which it is rendered from the date of the judgment only. This section does not preclude the jury, or the court, if the trial be by the court, from including interest as an element in the damages awarded, if necessary to fully compensate the plaintiff. In an action to recover damages for a wrong the judgment for the plaintiff shall bear interest.

“§ 15-110. Interest on judgment on contracts made elsewhere

“In an action on a contract for the payment of a higher rate of interest than is lawful in the District, made or to be performed in a State or territory of the United States where such a contract rate of interest is lawful, the judgment for the plaintiff shall include the contract interest to the date of the judgment and interest thereafter at the rate of 6 per cent per annum until paid.

“§ 15-111. Counsel fee in proceeding on bond or undertaking

“In a proceeding in the United States District Court for the District of Columbia to recover damages upon a bond or undertaking given to obtain a restraining order or preliminary or pendente lite injunction, the Court, in assessing damages to be recovered thereunder, may include such reasonable counsel fees as the party damaged by the restraining order or injunction may have incurred in obtaining a dissolution thereof.”

(2) The analysis of subchapter I of chapter 1, title 15 of the District of Columbia Code, preceding § 15-101 is amended by adding:

“15-108. Interest on judgment for liquidated debt.

“15-109. Interest on judgment for damages in contract or tort.

“15-110. Interest on judgment on contracts made elsewhere.

“15-111. Counsel fee in proceeding on bond or undertaking.”

77 Stat. 557.

(c) (1) Title 16 of the District of Columbia Code is amended by inserting the following to precede chapter 7:

“CHAPTER 6—BONDS AND UNDERTAKINGS

“Sec.

“16-601. Undertaking in lieu of fiduciary's bond.

“§ 16-601. Undertaking in lieu of fiduciary's bond

“A bond required from an executor, administrator, administrator cum testamento annexo, administrator de bonis non, guardian, committee, collector, trustee, receiver, assignee for the benefit of creditors, or other fiduciary appointed or confirmed by the United States District Court for the District of Columbia, or a judge thereof, or a bond required from a party to a cause or proceeding pending in that court, shall be in the form of an undertaking, under seal, in a maximum amount to be fixed by the court, conditioned as required by law, the surety or sureties therein submitting themselves to the jurisdiction of the court and undertaking for themselves and each of them, their and each of their heirs, executors, administrators, successors, and assigns to abide by and perform the judgment or decree of the court in the premises; and further agreeing that, upon default by the principal in any of the conditions thereof, the damages may be ascertained in such manner as the court directs and the court may give judgment thereon in favor of any person thereby aggrieved against the principal and sureties for the damages sustained by him, and that judgment may be rendered against all or any of the parties whose names are thereto signed.

“The United States District Court for the District of Columbia has jurisdiction to enter such judgments and decrees against the principal and surety or sureties, or any of them, upon the undertaking, as law and justice require. This section does not deprive a party having a claim or cause of action under or upon the undertaking from electing to pursue his ordinary remedy by civil suit.

“The provisions of this Code relating to actions, remedies and proceedings upon bonds of fiduciaries apply to such undertakings to the same extent as if undertaking had been expressly mentioned and referred to therein.”

(2) The analysis preceding chapter 1 of title 16 of the District of Columbia Code is amended by inserting after

"5. Attachment and Garnishment..... 16-501"

the following new item:

"6. Bonds and Undertakings..... 16-601"

SEC. 4. The last sentence of clause 27 of § 28:1-201, is amended to read:

77 Stat. 634.

"Due diligence does not require an individual acting for the organization to communicate information unless the communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information."

SEC. 5. The first sentence of clause (1) (a) of § 28:3-501, is amended to read: "(a) presentment for acceptance is necessary to charge the drawer and indorsers of a draft where the draft so provides, or is payable elsewhere than at the residence or place of business of the drawee, or its date of payment depends upon such presentment."

77 Stat. 687.

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of subtitle II of title 28, District of Columbia Code, as set out in section 1 of this Act.

Appropriation
authorization.

SEC. 7. This Act takes effect on January 1, 1965.

Effective date.

SEC. 8. (a) The following British statutes, deemed to have been in force in the District of Columbia by virtue of the Act of Mar. 1, 1901, ch. 854, sec. 1, have no further force, as such, in the District:

21 Henry III (1236), Alex. Brit. Stat., p. 36, D.C. Code, 1961 ed., § 28-2803;

31 Stat. 1189.
D.C. Code 49-
301.

24 Geo. II, ch. 23, §§ 1, 2 (1751), Alex. Brit. Stat., pp. 768-770, D.C. Code, 1961 ed., §§ 28-2801, 28-2802.

(b) The sections of the Acts or parts of Acts, enumerated in the schedule below, are repealed. Any rights or liabilities existing under the sections so repealed, and any cases or proceedings instituted under, or growing out of them, are not affected by the repeal. However, laws becoming effective after June 1, 1964, and inconsistent with this Act, supersede it to the extent of the inconsistency.

Repeals.

Public Law 88-511

August 30, 1964
[H. R. 11579]

AN ACT

Making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes.

Public Works
Appropriation
Act, 1965.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1965, for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Delaware River Basin Commission, and for other purposes, namely:

TITLE I—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CEMETERIAL EXPENSES

SALARIES AND EXPENSES

For necessary cemeterial expenses as authorized by law, including maintenance, operation, and improvement of national cemeteries, and purchase of headstones and markers for unmarked graves; purchase of two passenger motor vehicles; maintenance of that portion of Congressional Cemetery to which the United States has title, Confederate burial places under the jurisdiction of the Department of the Army, and graves used by the Army in commercial cemeteries; \$13,295,000: *Provided*, That this appropriation shall not be used to repair more than a single approach road to any national cemetery: *Provided further*, That this appropriation shall not be obligated for construction of a superintendent's lodge or family quarters at a cost per unit in excess of \$17,000, but such limitation may be increased by such additional amounts as may be required to provide office space, public comfort rooms, or space for the storage of Government property within the same structure: *Provided further*, That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation.

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes:

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, and when authorized by law, surveys and studies of projects prior to authorization for construction, \$22,194,000, to remain available until expended: *Provided*, That \$210,000 of this

appropriation shall be transferred to the United States Fish and Wildlife Service for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563-565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army. 16 USC 661
note.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction); \$939,943,200, to remain available until expended, of which \$64,000 shall be available for the readjustment and alteration of the facilities of the Broughton Mutual Telephone Co. to permit continued service to the present users not affected by the Milford Dam and Reservoir project; and of which not to exceed \$131,500 shall be available for construction of a road from the new townsite of Lower Brule to Counsellor Cove, and such work is hereby authorized: *Provided*, That no part of this appropriation shall be used for projects not authorized by law or which are authorized by law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter authorized to be appropriated: *Provided further*, That \$500,000 of this appropriation shall be transferred to the United States Fish and Wildlife Service for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563-565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

Restriction.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; financing the United States share of the cost of operation and maintenance of the remedial works in the Niagara River; activities of the California Debris Commission; administration of laws pertaining to preservation of navigable waters; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation; \$158,676,000, to remain available until expended.

FLOOD CONTROL, HURRICANE AND SHORE PROTECTION EMERGENCIES

For expenses necessary for emergency flood control, hurricane and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, \$4,150,000, to remain available until expended: *Provided*, That the unobligated balance of funds heretofore appropriated for the foregoing purposes shall be merged with this appropriation.

69 Stat. 186;
76 Stat. 1194.
33 USC 701n.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors and the Coastal Engineering Research Center; commercial statistics; and miscellaneous investigations; \$15,575,000.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), \$77,862,000, to remain available until expended.

45 Stat. 534;
49 Stat. 1511.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by section 19(b) of the Act of July 7, 1958 (72 Stat. 336), uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed one hundred and sixty-seven for replacement only) and hire of passenger motor vehicles.

5 USC 2318.

68 Stat. 1114.

THE PANAMA CANAL

CANAL ZONE GOVERNMENT

OPERATING EXPENSES

For operating expenses necessary for the Canal Zone Government, including operation of the Postal Service of the Canal Zone; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); expenses incident to conducting hearings on the Isthmus; expenses of special training of employees of the Canal Zone Government as authorized by law (5 U.S.C. 2301 et seq.); contingencies of the Governor; residence for the Governor; medical aid and support of the insane and of lepers and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable; maintaining and altering facilities of other Government agencies in the Canal Zone for Canal Zone Government use; and payments of not to exceed \$50 in any one case to persons within the Government service who shall furnish blood for transfusions, \$29,088,000.

72 Stat. 327.

CAPITAL OUTLAY

For acquisition of land and land under water and acquisition, construction, and replacement of improvements, facilities, structures, and equipment, as authorized by law (2 C.Z. Code, Sec. 2; 2 C.Z. Code, Sec. 371), including the purchase of not to exceed fourteen passenger motor vehicles of which nine are for replacement only, and of which twelve are for police-type use without regard to the general purchase price limitation for the current fiscal year; improving

76A Stat. 7, 26.

facilities of other Government agencies in the Canal Zone for Canal Zone Government use; and expenses incident to the retirement of such assets; \$4,821,000, to remain available until expended: *Provided*, That notwithstanding the limitation under this head in the Second Supplemental Appropriation Act, 1961, appropriations for "capital outlay" may be used for expenses related to the construction of quarters of non-U.S. citizen employees at a unit cost not exceeding \$16,500.

74 Stat. 827.

PANAMA CANAL COMPANY
CORPORATION

The Panama Canal Company is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to it and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation, including maintaining and improving facilities of other Government agencies in the Canal Zone for Panama Canal Company use.

61 Stat. 584.

LIMITATION ON GENERAL AND ADMINISTRATIVE EXPENSES

Not to exceed \$10,639,000 of the funds available to the Panama Canal Company shall be available during the current fiscal year for general and administrative expenses of the Company, including operation of tourist vessels and guide services, which shall be computed on an accrual basis. Funds available to the Panama Canal Company for operating expenses shall be available for the purchase of not to exceed twenty-three passenger motor vehicles, of which eighteen are for replacement only, and for uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131).

68 Stat. 1114.

GENERAL PROVISIONS—THE PANAMA CANAL

The Governor of the Canal Zone is authorized to employ services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), in an amount not exceeding \$30,000: *Provided*, That the rates for individuals shall not exceed \$100 per diem.

60 Stat. 810.

TITLE II—DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction" for the purposes set forth in the Act of August 7, 1946 (60 Stat. 885), \$1,800,000.

16 USC 17j-2.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau, as follows:

43 USC 371
note.

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, including not to exceed \$450,000 for investigations of projects in Alaska, to remain available until expended, \$11,404,000, of which \$10,054,000 shall be derived from the reclamation fund and \$500,000 shall be derived from the Colorado River development fund: *Provided*, That none of this appropriation shall be used for more than one-half of the cost of an investigation requested by a State, municipality, or other interest: *Provided further*, That \$370,000 of this appropriation shall be transferred to the United States Fish and Wildlife Service for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563-565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Bureau of Reclamation.

16 USC 661
note.

CONSTRUCTION AND REHABILITATION

For construction and rehabilitation of authorized reclamation projects or parts thereof (including power transmission facilities) and for other related activities, as authorized by law, to remain available until expended, \$185,616,500, of which \$83,030,000 shall be derived from the reclamation fund: *Provided*, That no part of this appropriation shall be used to initiate the construction of transmission facilities within those areas covered by power wheeling service contracts which include provision for service to Federal establishments and preferred customers, except those transmission facilities for which construction funds have been heretofore appropriated, those facilities which are necessary to carry out the terms of such contracts or those facilities for which the Secretary of the Interior finds the wheeling agency is unable or unwilling to provide for the integration of Federal projects or for service to a Federal establishment or preferred customer: *Provided further*, That not to exceed \$2,000,000 as proposed in Senate Document 89, Eighty-eighth Congress, for maintaining suitable water quality in the Colorado River shall be nonreimbursable: *Provided further*, That no funds shall be made available under this appropriation for the construction in Contra Costa County, California, of any portion of the interceptor drain in connection with the San Luis Unit which terminates at any point east of Port Chicago: *Provided further*, That not to exceed \$26,000 shall be available for reimbursement to the city of Malta, Montana, for the cost of improvements to streets and appurtenant facilities adjoining property under the jurisdiction of the Department of the Interior in that city to be nonreimbursable and nonreturnable: *Provided further*, That not to exceed \$150,000 of funds made available for improvement of access roads in the Weber Basin project area shall be nonreimbursable.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, \$40,219,000, of which \$30,758,000 shall be derived from the reclamation fund and \$1,605,000 shall be derived from the Colorado River Dam fund: *Provided*,

That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and the unexpended balances of such advances shall be credited to the appropriation for the next succeeding fiscal year.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a-421d), and August 6, 1956 (43 U.S.C. 422a-422k), as amended (71 Stat. 48), including expenses necessary for carrying out the program, \$12,307,000 to remain available until expended: *Provided*, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

70 Stat. 1044.

43 USC 388.

EMERGENCY FUND

To reimburse the emergency fund authorized by the Act of June 26, 1948 (62 Stat. 1052), for expenses incurred for repair of flood damage to irrigation facilities of the Milk River and Sun River Federal reclamation projects, \$1,000,000, to remain available until June 30, 1965.

43 USC 502, 503.

UPPER COLORADO RIVER STORAGE PROJECT

For the Upper Colorado River Storage Project, as authorized by the Act of April 11, 1956 (43 U.S.C. 620d), to remain available until expended, \$62,300,000, of which \$57,800,000 shall be available for the "Upper Colorado River Basin Fund" authorized by section 5 of said Act of April 11, 1956, and \$4,500,000 shall be available for construction of recreational and fish and wildlife facilities authorized by section 8 thereof, and may be expended by bureaus of the Department through or in cooperation with State or other Federal agencies, and advances to such Federal agencies are hereby authorized: *Provided*, That no part of the funds herein appropriated shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any National Monument.

70 Stat. 107.

43 USC 620g.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the offices of the Commissioner of Reclamation and in the regional offices of the Bureau of Reclamation, \$10,400,000, to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

59 Stat. 54.

SPECIAL FUNDS

Sums herein referred to as being derived from the reclamation fund, the Colorado River Dam fund, or the Colorado River development fund, are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391), the Act of

32 Stat. 388.

45 Stat. 1057;
54 Stat. 774.

December 21, 1928 (43 U.S.C. 617a), and the Act of July 19, 1940 (43 U.S.C. 618a), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the heads "Operation and Maintenance" and "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

ADMINISTRATIVE PROVISIONS

58 Stat. 487.

49 Stat. 666.

59 Stat. 54.

Appropriations to the Bureau of Reclamation shall be available for purchase of not to exceed sixty-seven passenger motor vehicles for replacement only; purchase of one aircraft for replacement only; payment of claims for damage to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expense of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiation and administration of interstate compacts without reimbursement or return under the reclamation laws; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriation Act, 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Act of August 21, 1935 (16 U.S.C. 461-467): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for reconnaissance, basin surveys, and general engineering and research under the head "General Investigations".

Allotments to the Missouri River Basin project from the appropriation under the head "Construction and Rehabilitation" shall be available additionally for said project for those functions of the Bureau of Reclamation provided for under the head "General Investigations" (but this authorization shall not preclude use of the appropriation under said head within that area), and for the continuation of investigations by agencies of the Department on a general plan for the development of the Missouri River Basin. Such allotments may be expended through or in cooperation with State and other Federal agencies, and advances to such agencies are hereby authorized.

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

Not to exceed \$225,000 may be expended from the appropriation "Construction and rehabilitation" for work by force account on any one project or Missouri Basin unit and then only when such work is unsuitable for contract or no acceptable bid has been received and, other than otherwise provided in this paragraph or as may be necessary to meet local emergencies, not to exceed 12 per centum of the construction allotment for any project from the appropriation "Construction and rehabilitation" contained in this Act shall be available for construction work by force account: *Provided*, That this paragraph shall not apply to work performed under the Rehabilitation and Betterment Act of 1949 (63 Stat. 724).

Limitation.

43 USC 504 and note.

BONNEVILLE POWER ADMINISTRATION

CONSTRUCTION

For construction and acquisition of transmission lines, substations, and appurtenant facilities, as authorized by law, \$87,420,000, to remain available until expended.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of the Bonneville transmission system and of marketing electric power and energy, \$14,980,000.

ADMINISTRATIVE PROVISIONS

Appropriations of the Bonneville Power Administration shall be available to carry out all the duties imposed upon the Administrator pursuant to law. Appropriations made herein to the Bonneville Power Administration shall be available in one fund, except that the appropriation herein made for operation and maintenance shall be available only for the service of the current fiscal year.

Other than as may be necessary to meet local emergencies, not to exceed 12 per centum of the appropriation for construction herein made for the Bonneville Power Administration shall be available for construction work by force account or on a hired-labor basis.

SOUTHEASTERN POWER ADMINISTRATION

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, including purchase of one passenger motor vehicle for replacement only, \$1,000,000.

58 Stat. 890.

SOUTHWESTERN POWER ADMINISTRATION

CONSTRUCTION

58 Stat. 890.

For construction and acquisition of transmission lines, substations, and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$2,610,000, to remain available until expended.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, including purchase of not to exceed five passenger motor vehicles, for replacement only, \$1,680,000.

CONTINUING FUND

Not to exceed \$4,500,000 shall be available during the current fiscal year from the continuing fund for all costs in connection with the purchase of electric power and energy, and rentals for the use of transmission facilities.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

Emergency construction.

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Fire prevention.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

Operation of warehouses, etc.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

47 Stat. 417.

Southwestern Power Administration, funds.

SEC. 204. No part of any funds made available by this Act to the Southwestern Power Administration may be made available to any other agency, bureau, or office for any purposes other than for services rendered pursuant to law to the Southwestern Power Administration.

TITLE III—ATOMIC ENERGY COMMISSION

OPERATING EXPENSES

For necessary operating expenses of the Commission in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); hire, maintenance and operation of aircraft; publication and dissemination of atomic information; purchase, repair and cleaning of uniforms; official entertainment expenses (not to exceed \$30,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles; \$2,261,573,000, and any moneys (except sums received from disposal of property under the Atomic Energy Community Act of 1955 (42 U.S.C. 2301)) received by the Commission, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain available until expended: *Provided*, That of such amount \$100,000 may be expended for objects of a confidential nature and in any such case the certificate of the Commission as to the amount of the expenditure and that it is deemed inadvisable to specify the nature thereof shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided further*, That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That no part of this appropriation shall be used in connection with the payment of a fixed fee to any contractor or firm of contractors engaged under a cost-plus-a-fixed-fee contract or contracts at any installation of the Commission, where that fee for community management is at a rate in excess of \$90,000 per annum, or for the operation of a transportation system where that fee is at a rate in excess of \$45,000 per annum.

68 Stat. 919.
42 USC 2011
note.
60 Stat. 810.

69 Stat. 471.

PLANT AND CAPITAL EQUIPMENT

For expenses of the Commission, as authorized by law, in connection with the purchase and construction of plant and the acquisition of capital equipment and other expenses incidental thereto necessary in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of not to exceed three hundred and eighty-four for replacement only (including three at not to exceed \$3,000 each), and hire of passenger motor vehicles; and purchase of one aircraft; \$363,000,000, to remain available until expended: *Provided*, That not to exceed \$9,000,000 of the amount appropriated herein for an isotopes production plant may be transferred to the appropriation for "Operating expenses", if the Commission determines such transfer to be necessary to enter into an arrangement for construction of all or a part of such plant by private industry.

GENERAL PROVISIONS

Any appropriation available under this or any other Act to the Atomic Energy Commission may initially be used subject to limitations in this Act during the fiscal year 1965 to finance the procurement of materials, services, or other costs which are a part of work or activities for which funds have been provided in any other appropriation available to the Commission: *Provided*, That appro-

Procurement of
materials, etc.

priate transfers or adjustments between such appropriations shall subsequently be made for such costs on the basis of actual application determined in accordance with generally accepted accounting principles.

Transfer of
funds.
Reports to
congressional
committees.

Not to exceed 5 per centum of appropriations made available for the fiscal year 1965 for "Operating expenses" and "Plant and capital equipment" may be transferred between such appropriations, but neither such appropriation, except as otherwise provided herein, shall be increased by more than 5 per centum by any such transfers, and any such transfers shall be reported promptly to the Appropriations Committees of the House and Senate.

Restriction on
fellowships.

No part of any appropriation herein shall be used to confer a fellowship on any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence or with respect to whom the Commission finds, upon investigation and report by the Civil Service Commission on the character, associations, and loyalty of whom, that reasonable grounds exist for belief that such person is disloyal to the Government of the United States: *Provided*, That any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence and accepts employment or a fellowship the salary, wages, stipend, grant, or expenses for which are paid from any appropriation contained herein shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Penalty.

TITLE IV—INDEPENDENT OFFICES

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such Corporation, except as hereinafter provided.

61 Stat. 584.
31 USC 849.

LIMITATION ON ADMINISTRATIVE EXPENSES, SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Not to exceed \$450,000 shall be available for administrative expenses which shall be computed on an accrual basis, including not to exceed \$4,000 for official entertainment expenses to be expended upon the approval or authority of the Administrator, uniforms or allowances therefor for operation and maintenance personnel, as authorized by law (5 U.S.C. 2131), and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not to exceed \$100 per day: *Provided*, That not to exceed \$5,000 may be expended for services of individuals employed at rates in excess of \$50 per day.

68 Stat. 1114.
60 Stat. 810.

TENNESSEE VALLEY AUTHORITY

PAYMENT TO TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C., ch. 12A), including hire, maintenance, and operation of aircraft, and purchase (not to exceed two hundred and eight for replacement only) and hire of passenger motor vehicles, \$47,915,000, to remain available until expended.

48 Stat. 58.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), \$39,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), \$92,000.

FUNDS APPROPRIATED TO THE PRESIDENT

PUBLIC WORKS ACCELERATION

For an additional amount for expenses necessary to enable the President to provide for carrying out the purposes of the Public Works Acceleration Act (76 Stat. 541), including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed \$75 per diem, \$4,000,000.

42 USC 2641
note.
60 Stat. 810.

TITLE V—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 501. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (5 U.S.C. 78), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at \$1,500 except station wagons for which the maximum shall be \$1,950.

Purchase of
motor vehicles.

SEC. 502. Unless otherwise specified and during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, had filed a declaration of intention to become a citizen of the United States prior to such date, (3) is a person who owes allegiance to the United States, or (4) is an alien from Poland or the Baltic countries lawfully admitted to the United States for permanent residence: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a

Compensation
payments.
Citizenship
status require-
ment.

Penalty.

felony, and, upon conviction, shall be fined not more than \$4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

Exceptions.

Quarters allowances, etc.

5 USC 3033-3038.

U.S. Code Annotated, etc., price limitation.

SEC. 503. Appropriations of the executive departments and independent establishments for the current fiscal year, available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with title II of the Act of September 6, 1960 (74 Stat. 793).

SEC. 504. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 505. No part of any appropriation contained in this or any other Act for the current fiscal year shall be used to pay in excess of \$4 per volume for the current and future volumes of the United States Code, Annotated, and such volumes shall be purchased on condition and with the understanding that latest published cumulative annual pocket parts issued prior to the date of purchase shall be furnished free of charge, or in excess of \$4.25 per volume for the current or future volumes of the Lifetime Federal Digest, or in excess of \$6.50 per volume for the current or future volumes of the Modern Federal Practice Digest.

SEC. 506. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to the Government Corporation Control Act, as amended (31 U.S.C. 841), shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

59 Stat. 597.

60 Stat. 810.

Foreign credits, use.
31 USC 724.

SEC. 507. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchange allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 508. During the current fiscal year, any foreign currencies

held by the United States which have been or may be reserved or set aside for specified programs or activities of any agency may be carried on the books of the Treasury in unfunded accounts.

SEC. 509. No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress. This Act may be cited as the "Public Works Appropriation Act, 1965".

Publicity or
propaganda.

Short title.

Approved August 30, 1964.

Public Law 88-512

AN ACT

August 30, 1964
[H. R. 5964]

To provide for the inclusion of Hopkins County, Texas, within the Paris Division of the Eastern District for the United States District Courts in Texas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (4) of subsection (c) of section 124 of title 28, United States Code, is amended to read as follows:

District court.
Hopkins County,
Tex.
62 Stat. 891.

"(4) The Paris Division comprises the counties of Delta, Fannin, Hopkins, Lamar, and Red River.

"Court for the Paris Division shall be held at Paris."

(b) Paragraph (5) of such subsection is amended by striking out "Hopkins,".

75 Stat. 772.

Approved August 30, 1964.

Public Law 88-513

AN ACT

August 30, 1964
[H. R. 7508]

To amend title 28, United States Code, to establish jurisdiction and venue for appeals from orders of the Interstate Commerce Commission in judicial reference cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1336 of title 28, United States Code, is amended by designating its present text as subsection (a) and by adding at the end thereof the following new subsections:

Interstate Commerce Commission.
Orders.
62 Stat. 931.

"(b) When a district court or the Court of Claims refers a question or issue to the Interstate Commerce Commission for determination, the court which referred the question or issue shall have exclusive jurisdiction of a civil action to enforce, enjoin, set aside, annul, or suspend, in whole or in part, any order of the Interstate Commerce Commission arising out of such referral.

"(c) Any action brought under subsection (b) of this section shall be filed within 90 days from the date that the order of the Interstate Commerce Commission becomes final."

SEC. 2. Section 1398 of title 28, United States Code, is amended by designating its present text as subsection (a) and by adding at the end thereof the following new subsection:

62 Stat. 936.

"(b) A civil action to enforce, enjoin, set aside, annul, or suspend, in whole or in part, an order of the Interstate Commerce Commission made pursuant to the referral of a question or issue by a district court or by the Court of Claims, shall be brought only in the court which referred the question or issue."

Approved August 30, 1964.

Public Law 88-514

August 30, 1964
[H. R. 6353]

AN ACT

To amend the District of Columbia Unemployment Compensation Act, as amended.

D.C. Unemployment
Compensation Board.

57 Stat. 119.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of subsection (f) of section 13 of the District of Columbia Unemployment Compensation Act approved August 28, 1935 (49 Stat. 946), as amended (sec. 46-313 (f), D.C. Code, 1961 edition), is amended by inserting “, or the Department of Public Welfare of the government of the District of Columbia, or the United States Accounting Office” immediately after “public employment offices”.

Approved August 30, 1964.

Public Law 88-515

August 30, 1964
[H. R. 1341]

AN ACT

To require passenger-carrying motor vehicles purchased for use by the Federal Government to meet certain passenger safety standards.

Motor vehicles
for Federal Gov-
ernment.
Safety stand-
ards.

Publication in
Federal Register.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no motor vehicle manufactured on or after the effective date of this section shall be acquired by purchase by the Federal Government for use by the Federal Government unless such motor vehicle is equipped with such reasonable passenger safety devices as the Administrator of General Services shall require which conform with standards prescribed by him in accordance with section 2.

SEC. 2. The Administrator of General Services shall prescribe and publish in the Federal Register commercial standards for such passenger safety devices as he may require under authority of the first section of this Act. The standards first established under this section shall be prescribed and published not later than one year from the date of enactment of this Act.

SEC. 3. As used in this Act—

“Motor vehicle.”

(1) The term “motor vehicle” means any vehicle, self-propelled or drawn by mechanical power, designed for use on the highways principally for the transportation of passengers except any vehicle designed or used for military field training, combat, or tactical purposes.

“Federal Gov-
ernment.”

(2) The term “Federal Government” includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia.

Effective date.

SEC. 4. This Act shall take effect on the date of its enactment except that the first section of this Act shall take effect one year and ninety days after the date of publication of commercial standards first established under section 2 of this Act. If such standards as so first established are thereafter changed, such standards, as so changed, shall take effect one year and ninety days after the date of publication of such changed standards.

Approved August 30, 1964.

Public Law 88-516

AN ACT

August 30, 1964
[H. R. 9334]

To amend the Act of May 21, 1928, relating to standards of containers for fruits and vegetables, to permit the use of additional standard containers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of the first section of the Act entitled "An Act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes", approved May 21, 1928 (15 U.S.C. 257), is amended—

Fruit and vegetable containers. Standards.

45 Stat. 685.

(1) by striking out "One-eighth bushel" and inserting in lieu thereof "One-sixteenth bushel, one-eighth bushel";

(2) by inserting "seven-eighths bushel," immediately after "three-fourths bushel,"; and

(3) by inserting "one-and-one-eighth bushels," immediately after "one bushel,".

(b) The first section of such Act of May 21, 1928 (15 U.S.C. 257), is further amended—

(1) by redesignating paragraph (a) as paragraph (aa) and by inserting immediately preceding such paragraph the following new paragraph:

"(a) The standard one-sixteenth bushel hamper or round stave basket shall contain one hundred and thirty-four and four-tenths cubic inches.";

(2) by inserting immediately after paragraph (d) the following new paragraph:

"(dd) The standard seven-eighths bushel hamper or round stave basket shall contain one thousand eight hundred and eighty-one and sixty-two one-hundredths cubic inches."; and

(3) by inserting immediately after paragraph (e) the following new paragraph:

"(ee) The standard one-and-one-eighth bushel hamper or round stave basket shall contain two thousand four hundred and nineteen and twenty-two one-hundredths cubic inches."

SEC. 2. (a) The first sentence of section 2 of such Act of May 21, 1928 (15 U.S.C. 257a), is amended by inserting "eleven-quart basket," immediately after "eight-quart basket," and by inserting "fourteen-quart basket," immediately after "twelve-quart basket,".

(b) Section 2 of such Act of May 21, 1928 (15 U.S.C. 257a), is further amended by inserting immediately after paragraph (b) the following new paragraph:

"(bb) The eleven-quart splint basket shall contain seven hundred and thirty-nine and two-tenths cubic inches."

(c) Section 2 of such Act of May 21, 1928 (15 U.S.C. 257a), is further amended by inserting immediately after paragraph (c) the following new paragraph:

"(cc) The fourteen-quart splint basket shall contain nine hundred and forty and eight-tenths cubic inches."

SEC. 3. That so much of the first sentence of section 5 of such Act of May 21, 1928 (15 U.S.C. 257d), which precedes the word "Provided" be amended to read as follows:

45 Stat. 686.

"That it shall be unlawful to manufacture for sale or shipment, to offer for sale, to sell, to offer for shipment, or to ship, hampers, round stave baskets, or splint baskets for fruits or vegetables, either filled or unfilled that do not have the capacity in bushels or quarts clearly stamped or marked thereon and do not otherwise comply with this Act, or parts of such hampers, round stave baskets, or splint baskets that do not comply with this Act:"

Approved August 30, 1964.

Public Law 88-517

AN ACT

August 30, 1964
[H. R. 10683]

To amend the Act of July 25, 1956, to remove certain residence restrictions upon officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia.

D.C.
Policemen and
firemen, resi-
dence.

70 Stat. 646.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of the first section of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to prescribe the area within which officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia may reside", approved July 25, 1956 (D.C. Code, § 4-132a), is amended by striking "twenty" and inserting in lieu thereof "twenty-five".

Approved August 30, 1964.

Public Law 88-518

AN ACT

August 30, 1964
[H. R. 10705]

To amend the Government Corporation Control Act to change the General Accounting Office audit to a calendar year basis in the case of the Federal home loan banks and the Federal Savings and Loan Insurance Corporation.

GAO audits.
Federal home
loan banks.
59 Stat. 600.

Report to
Congress.

Federal Savings
and Loan Insur-
ance Corp.

Report to
Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202 of the Government Corporation Control Act (31 U.S.C. 857) is amended by adding at the end thereof the following new sentence: "The audit of the Federal home loan banks shall be conducted on a calendar year basis."

(b) The first sentence of section 203 of such Act (31 U.S.C. 858) is amended to read as follows: "A report of each such audit for a fiscal year shall be made by the Comptroller General to the Congress not later than January 15 following the close of such fiscal year (and a report of each such audit for a calendar year shall be made by the Comptroller General to the Congress not later than July 15 following the close of such calendar year)."

SEC. 2. (a) Section 105 of the Government Corporation Control Act (31 U.S.C. 850) is amended by adding at the end thereof the following new sentence: "The audit of the Federal Savings and Loan Insurance Corporation shall be conducted on a calendar year basis."

(b) The first sentence of section 106 of such Act (31 U.S.C. 851) is amended to read as follows: "A report of each such audit for a fiscal year shall be made by the Comptroller General to the Congress not later than January 15 following the close of such fiscal year (and a report of each such audit for a calendar year shall be made by the Comptroller General to the Congress not later than July 15 following the close of such calendar year)."

SEC. 3. The amendments made by this Act shall apply with respect to calendar years beginning on or after January 1, 1964; except that the General Accounting Office, in conducting its audits of the Federal home loan banks and the Federal Savings and Loan Insurance Corporation for the calendar year 1964, shall include the period from July 1, 1963, through December 31, 1963.

Approved August 30, 1964.

Public Law 88-519

AN ACT

To amend subsection (d) of section 1346 of title 28 of the United States Code relating to the jurisdiction of the United States district courts.

August 30, 1964
[H. R. 11520]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 1346 of title 28 of the United States Code is amended to read as follows:

District courts.
Jurisdiction.
62 Stat. 933.

“(d) The district courts shall not have jurisdiction under this section of any civil action or claim for a pension.”

Approved August 30, 1964.

Public Law 88-520

AN ACT

To amend sections 3288 and 3289 of title 18, United States Code, relating to reindictment after dismissal of a defective indictment.

August 30, 1964
[H. R. 7219]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3288 of title 18, United States Code, is amended to read as follows:

Crimes and of-
fenses.
Reindictment.
62 Stat. 828.

“§ 3288. Indictment where defect found after period of limitations

“Whenever an indictment is dismissed for any error, defect, or irregularity with respect to the grand jury, or an indictment or information filed after the defendant waives in open court prosecution by indictment is found otherwise defective or insufficient for any cause, after the period prescribed by the applicable statute of limitations has expired, a new indictment may be returned in the appropriate jurisdiction within six calendar months of the date of the dismissal of the indictment or information, or, if no regular grand jury is in session in the appropriate jurisdiction when the indictment or information is dismissed, within six calendar months of the date when the next regular grand jury is convened, which new indictment shall not be barred by any statute of limitations.”

Sec. 2. That section 3289 of title 18, United States Code, is amended to read as follows:

“§ 3289. Indictment where defect found before period of limitations

“Whenever an indictment is dismissed for any error, defect, or irregularity with respect to the grand jury, or an indictment or information filed after the defendant waives in open court prosecution by indictment is found otherwise defective or insufficient for any cause, before the period prescribed by the applicable statute of limitations has expired, and such period will expire within six calendar months of the date of the dismissal of the indictment or information, a new indictment may be returned in the appropriate jurisdiction within six calendar months of the expiration of the applicable statute of limitations, or, if no regular grand jury is in session in the appropriate jurisdiction at the expiration of the applicable statute of limitations, within six calendar months of the date when the next regular grand jury is convened, which new indictment shall not be barred by any statute of limitations.”

Approved August 30, 1964.

Public Law 88-521

August 30, 1964
[H. R. 10446]

AN ACT

To permit the use of statistical sampling procedures in the examination of vouchers.

Vouchers.
Statistical
sampling proce-
dures.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) That, whenever the head of any department or agency of the Government or the Commissioners of the District of Columbia determines that economies will result therefrom, such agency head or the Commissioners may prescribe the use of adequate and effective statistical sampling procedures in the examination of disbursement vouchers for amounts of less than \$100; and no certifying or disbursing officer acting in good faith and in conformity with such procedures shall be held liable with respect to any certification or payment made by him on a voucher which was not subject to specific examination because of the prescribed statistical sampling procedure, provided that such officer and his department or agency have diligently pursued collection action to recover the illegal, improper, or incorrect payment in accordance with procedures prescribed by the Comptroller General.

(b) Nothing contained in this Act shall affect the liability, or authorize the relief, of any payee, beneficiary, or recipient of any illegal, improper, or incorrect payment, or relieve any certifying or disbursing officer, the head of any department or agency of the Government, the Commissioners of the District of Columbia, or the Comptroller General of responsibility to pursue collection action against any such payee, beneficiary, or recipient.

Approved August 30, 1964.

Public Law 88-522

August 30, 1964
[H. R. 9436]

AN ACT

To amend the Act of September 2, 1958, to establish a Commission and Advisory Committee on International Rules of Judicial Procedure, as amended.

Commission and
Advisory Com-
mittee on Inter-
national Rules of
Judicial Proce-
dure.

72 Stat. 1743.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 3 of the Act of September 2, 1958 (Public Law 85-906), is amended to read:

“(c) Five members shall constitute a quorum.”

SEC. 2. Subsection (e) of section 3 of that Act is amended to read:

“(e) The public members of the Commission shall each receive \$50 per diem when engaged in the actual performance of duties vested in the Commission, and the public members and the members who are officials of State government shall receive reimbursement for travel, subsistence, and other expenses incurred by them in the performance of such duties.”

SEC. 3. The second paragraph of subsection (b) of section 7 of that Act is further amended to read:

“The Commission shall submit its final report and the Commission and the Advisory Committee shall terminate and wind up their affairs prior to December 31, 1966.”

SEC. 4. Section 8 of that Act is amended to read:

“SEC. 8. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this Act.”

Approved August 30, 1964.

Termination
date.
75 Stat. 685.

Appropriation.

Public Law 88-523

AN ACT

August 30, 1964
[S. 1363]

To increase the participation by counties in revenues from the National Wildlife Refuge System by amending the Act of June 15, 1935, relating to such participation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 of the Act of June 15, 1935, as amended (49 Stat. 378, 383; 16 U.S.C. 715s), relating to the participation by the counties in revenues from wildlife refuges, is amended to read as follows:

National Wild-
life Refuge
System.
Revenues.

"SEC. 401. (a) Beginning with the next full fiscal year and for each fiscal year thereafter, all revenues received by the Secretary of the Interior from the sale or other disposition of animals, timber, hay, grass, or other products of the soil, minerals, shells, sand, or gravel, from other privileges, or from leases for public accommodations or facilities incidental to but not in conflict with the basic purposes for which those areas of the National Wildlife Refuge System were established, during each fiscal year in connection with the operation and management of those areas of the National Wildlife Refuge System that are solely or primarily administered by him, through the United States Fish and Wildlife Service, shall be covered into the United States Treasury and be reserved in a separate fund for disposition as hereafter prescribed. Amounts in the fund shall remain available until expended, and may be expended by the Secretary without further appropriation in the manner hereafter prescribed. The National Wildlife Refuge System (hereafter referred to as the "System") includes those lands and waters administered by the Secretary as wildlife refuges, wildlife ranges, game ranges, wildlife management areas, and waterfowl production areas established under any law, proclamation, Executive, or public land order.

"(b) The Secretary may pay from the fund any necessary expenses incurred by him in connection with the revenue-producing measures set forth in subsection (a).

"(c) The Secretary, at the end of each fiscal year, shall pay, out of the net receipts in the fund (after payment of necessary expenses) for such fiscal year, which funds shall be expended solely for the benefit of public schools and roads as follows:

Payments to
counties.

"(1) to each county in which reserved public lands in an area of the System are situated, an amount equal to 25 per centum of the net receipts collected by the Secretary from such reserved public lands in that particular area of the System: *Provided*, That when any such area is situated in more than one county the distributive share to each county from the aforesaid receipts shall be proportional to its acreage of such public lands therein; and

"(2) to each county in which areas in the System are situated that have been acquired in fee by the United States, either (A) three-fourths of 1 per centum of the cost of the areas, exclusive of any improvements to such areas made subsequent to Federal acquisition, such cost to be adjusted to represent current values as determined by the Secretary for the first full fiscal year after enactment of this Act and as redetermined by him at five-year intervals thereafter, or (B) 25 per centum of the net receipts collected by the Secretary from such acquired lands in that particular area of the System within such counties, whichever is greater. The determinations by the Secretary under this subsection shall be accomplished in such manner as he shall consider to be equitable and in the public interest, and his determinations hereunder shall be final and conclusive.

"(d) The payments under subsection (c) of this section to the counties in the United States for any one fiscal year shall not exceed the amount of net receipts in the fund for that fiscal year and, in case the net receipts are insufficient for a particular fiscal year to pay the aggregate amount of the payments for that fiscal year to the counties, the payment to each county shall be reduced proportionately.

49 Stat. 1555.

"(e) Any moneys remaining in the fund after all payments are made for any fiscal year may be used by the Secretary thereafter for management of the System, including but not limited to the construction, improvement, repair, and alteration of buildings, roads, and other facilities, and for enforcement of the Migratory Bird Treaty Act, as amended (16 U.S.C. 703-711).

"(f) The disposition or sale of surplus animals, minerals, and other products, the grant of privileges, and the carrying out of any other activities that result in the collection of revenues within any areas of the System may be accomplished upon such terms, conditions, or regulations, including sale in the open markets, as the Secretary shall determine to be in the best interest of the United States. Further, the Secretary may dispose of such surplus animals by exchange of the same or other kinds, gift or loan to public institutions for exhibition or propagation purposes and for the advancement of knowledge and the dissemination of information relating to the conservation of wildlife in accordance with such regulations as he may prescribe.

Repeal.

"(g) Beginning with the first day of the next full fiscal year hereafter, the provisions of this Act shall supersede and repeal the provisions of the paragraph entitled 'Management of National Wildlife Refuges' in the General Appropriation Act, 1951, approved September 6, 1950 (64 Stat. 595, 693-694)."

Approved August 30, 1964.

Public Law 88-524

AN ACT

August 31, 1964
[H. R. 10069]

To authorize the exchange of lands adjacent to the Lassen National Forest in California, and for other purposes.

Lassen National
Forest, Calif.
Land exchange.
16 USC 485,
486.
5 USC 511 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act of March 20, 1922 (42 Stat. 465), as amended and supplemented by the Act of February 28, 1925 (43 Stat. 1090), and the Act of June 11, 1960 (74 Stat. 205), are hereby extended to the following described lands:

TOWNSHIP 31 NORTH, RANGE 11 EAST, MOUNT DIABLO MERIDIAN

Section 8, southwest quarter southwest quarter, west half southeast quarter southwest quarter;

Section 18, north half northeast quarter northeast quarter, northwest quarter northeast quarter, northeast quarter southwest quarter, lot 3.

Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Lassen National Forest and shall be subject to the laws, rules, and regulations applicable thereto.

Approved August 31, 1964.

Public Law 88-525

AN ACT

August 31, 1964
[H. R. 10222]

To strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among low-income households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Food Stamp Act of 1964".

The Food Stamp
Act of 1964.

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of Congress, in order to promote the general welfare, that the Nation's abundance of food should be utilized cooperatively by the States, the Federal Government, and local governmental units to the maximum extent practicable to safeguard the health and well-being of the Nation's population and raise levels of nutrition among low-income households. The Congress hereby finds that increased utilization of foods in establishing and maintaining adequate national levels of nutrition will tend to cause the distribution in a beneficial manner of our agricultural abundances and will strengthen our agricultural economy, as well as result in more orderly marketing and distribution of food. To effectuate the policy of Congress and the purposes of this Act, a food stamp program, which will permit those households with low incomes to receive a greater share of the Nation's food abundance, is herein authorized.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "food" means any food or food product for human consumption except alcoholic beverages, tobacco, those foods which are identified on the package as being imported, and meat and meat products which are imported.

(c) The term "coupon" means any coupon, stamp, or type of certificate issued pursuant to the provisions of this Act.

(d) The term "coupon allotment" means the total value of coupons to be issued to a household during each month or other time period.

(e) The term "household" shall mean a group of related or non-related individuals, who are not residents of an institution or boarding house, but are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common. The term "household" shall also mean a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption.

(f) The term "retail food store" means an establishment, including a recognized department thereof, or a house-to-house trade route which sells food to households for home consumption.

(g) The term "wholesale food concern" means an establishment which sells food to retail food stores for resale to households.

(h) The term "State agency" means the agency of the State government which has responsibility for the administration of the federally aided public assistance programs.

(i) The term "bank" means member or nonmember banks of the Federal Reserve System.

(j) The term "State" means the fifty States and the District of Columbia.

(k) The term "food stamp program" means any program promulgated pursuant to the provisions of this Act.

ESTABLISHMENT OF THE FOOD STAMP PROGRAM

SEC. 4. (a) The Secretary is authorized to formulate and administer a food stamp program under which, at the request of an appropriate State agency, eligible households within the State shall be provided with an opportunity more nearly to obtain a nutritionally adequate diet through the issuance to them of a coupon allotment which shall have a greater monetary value than their normal expenditures for food. The coupons so received by such households shall be used only to purchase food from retail food stores which have been approved for participation in the food stamp program. Coupons issued and used as provided in this Act shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States.

Distribution
during emergen-
cies.

(b) In areas where a food stamp program is in effect, there shall be no distribution of federally owned foods to households under the authority of any other law except during emergency situations caused by a national or other disaster as determined by the Secretary.

(c) The Secretary shall issue such regulations, not inconsistent with this Act, as he deems necessary or appropriate for the effective and efficient administration of the food stamp program.

ELIGIBLE HOUSEHOLDS

SEC. 5. (a) Participation in the food stamp program shall be limited to those households whose income is determined to be a substantial limiting factor in the attainment of a nutritionally adequate diet.

Standards.

(b) In complying with the limitation on participation set forth in subsection (a) above, each State agency shall establish standards to determine the eligibility of applicant households. Such standards shall include maximum income limitations consistent with the income standards used by the State agency in administration of its federally aided public assistance programs. Such standards also shall place a limitation on the resources to be allowed eligible households. The standards of eligibility to be used by each State for the food stamp program shall be subject to the approval of the Secretary.

ISSUANCE AND USE OF COUPONS

SEC. 6. (a) Coupons shall be printed in such denominations as may be determined to be necessary, and shall be issued only to households which have been duly certified as eligible to participate in the food stamp program.

Restriction.

(b) Coupons issued to eligible households shall be used by them only to purchase food in retail food stores which have been approved for participation in the food stamp program at prices prevailing in such stores: *Provided*, That nothing in this Act shall be construed as authorizing the Secretary to specify the prices at which food may be sold by wholesale food concerns or retail food stores.

(c) Coupons issued to eligible households shall be simple in design and shall include only such words or illustrations as are required to explain their purpose and define their denomination. The name of any public official shall not appear on such coupons.

VALUE OF THE COUPON ALLOTMENT AND CHARGES TO BE MADE

SEC. 7. (a) The face value of the coupon allotment which State agencies shall be authorized to issue to households certified as eligible to participate in the food stamp program shall be in such amount as will provide such households with an opportunity more nearly to obtain a low-cost nutritionally adequate diet.

(b) Households shall be charged such portion of the face value of the coupon allotment issued to them as is determined to be equivalent to their normal expenditures for food.

Charges.

(c) The value of the coupon allotment provided to any eligible household which is in excess of the amount charged such households for such allotment shall not be considered to be income or resources for any purpose under any Federal or State laws including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

(d) Funds derived from the charges made for the coupon allotment shall be promptly deposited in a manner prescribed in the regulations issued pursuant to this Act, in a separate account maintained in the Treasury of the United States for such purpose. Such deposits shall be available, without limitation to fiscal years, for the redemption of coupons.

APPROVAL OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS

SEC. 8. (a) Regulations issued pursuant to this Act shall provide for the submission of applications for approval by retail food stores and wholesale food concerns which desire to be authorized to accept and redeem coupons under the food stamp program and for the approval of those applicants whose participation will effectuate the purposes of the food stamp program. In determining the qualifications of applicants there shall be considered among such other factors as may be appropriate, the following: (1) the nature and extent of the retail or wholesale food business conducted by the applicant; (2) the volume of coupon business which may reasonably be expected to be conducted by the applicant retail food store or wholesale food concern; and (3) the business integrity and reputation of the applicant. Approval of an applicant shall be evidenced by the issuance to such applicant of a nontransferable certificate of approval.

Qualifications.

(b) Regulations issued pursuant to this Act shall require an applicant retail food store or wholesale food concern to submit information which will permit a determination to be made as to whether such applicant qualifies, or continues to qualify, for approval under the provisions of this Act or the regulations issued pursuant to this Act. Regulations issued pursuant to this Act shall provide for safeguards which restrict the use or disclosure of information obtained under the authority granted by this subsection to purposes directly connected with administration and enforcement of the provisions of this Act or the regulations issued pursuant to this Act.

(c) Any retail food store or wholesale food concern which has failed upon application to receive approval to participate in the food stamp program may obtain a hearing on such refusal as provided in section 13 of this Act.

Hearing.

Post, p. 707.

REDEMPTION OF COUPONS

SEC. 9. Regulations issued pursuant to this Act shall provide for the redemption of coupons accepted by retail food stores through approved wholesale food concerns or through banks, with the cooperation of the Treasury Department.

ADMINISTRATION

SEC. 10. (a) All practicable efforts shall be made in the administration of the food stamp program to insure that participants use their increased food purchasing power to obtain those staple foods most needed in their diets, and particularly to encourage the continued use of those in abundant or surplus supply so as not to reduce the total consumption of surplus commodities which have been made available through direct distribution. In addition to such steps as may be taken administratively, the voluntary cooperation of existing Federal, State, local, or private agencies which carry out informational and educational programs for consumers shall be enlisted.

Federal and
State agencies,
cooperation.

State agency,
responsibility.

Records.

Discrimination,
prohibition.

Welfare grants.

State plan of
operation, submis-
sion.

(b) The State agency of each participating State shall assume responsibility for the certification of applicant households and for the issuance of coupons: *Provided*, That the State agency may, subject to State law, delegate its responsibility in connection with the issuance of coupons to another agency of the State government. There shall be kept such records as may be necessary to ascertain whether the program is being conducted in compliance with the provisions of this Act and the regulations issued pursuant to this Act. Such records shall be available for inspection and audit at any reasonable time and shall be preserved for such period of time, not in excess of three years, as may be specified in the regulations.

(c) In the certification of applicant households for the food stamp program there shall be no discrimination against any household by reason of race, religious creed, national origin, or political beliefs.

(d) Participating States or participating political subdivisions thereof shall not decrease welfare grants or other similar aid extended to any person or persons as a consequence of such person's or persons' participation in benefits made available under the provisions of this Act or the regulations issued pursuant to this Act.

(e) The State agency of each State desiring to participate in the food stamp program shall submit for approval a plan of operation specifying the manner in which such program will be conducted within the State, the political subdivisions within the State in which the State desires to conduct the program, and the effective dates of participation by each such political subdivision. In addition, such plan of operation shall provide, among such other provisions as may by regulation be required, the following: (1) the specific standards to be used in determining the eligibility of applicant households; (2) that the State agency shall undertake the certification of applicant households in accordance with the general procedures and personnel standards used by them in the certification of applicants for benefits under the federally aided public assistance programs; (3) safeguards which restrict the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act; and (4) for the submission of such reports and other information as may from time to time be required. In approving the participation of the subdivisions requested by each State in its plan of operation, the Secretary shall provide for an equitable and orderly expansion among the several States in accordance with their relative need and readiness to meet their requested effective dates of participation.

Compliance.

(f) If the Secretary determines that in the administration of the program there is a failure by a State agency to comply substantially with the provisions of this Act, or with the regulations issued pursuant to this Act, or with the State plan of operation, he shall inform such State agency of such failure and shall allow the State agency a

reasonable period of time for the correction of such failure. Upon the expiration of such period, the Secretary shall direct that there be no further issuance of coupons in the political subdivisions where such failure has occurred until such time as satisfactory corrective action has been taken.

(g) If the Secretary determines that there has been gross negligence or fraud on the part of the State agency in the certification of applicant households, the State shall upon request of the Secretary deposit into the separate account authorized by section 7 of this Act, a sum equal to the amount by which the value of any coupons issued as a result of such negligence or fraud exceeds the amount that was charged for such coupons under section 7(b) of this Act.

Negligence or fraud.

DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS

SEC. 11. Any approved retail food store or wholesale food concern may be disqualified from further participation in the food stamp program on a finding, made as specified in the regulations, that such store or concern has violated any of the provisions of this Act, or of the regulations issued pursuant to this Act. Such disqualification shall be for such period of time as may be determined in accordance with regulations issued pursuant to this Act. The action of disqualification shall be subject to review as provided in section 13 of this Act.

DETERMINATION AND DISPOSITION OF CLAIMS

SEC. 12. The Secretary shall have the power to determine the amount of and settle and adjust any claim and to compromise or deny all or part of any such claim or claims arising under the provisions of this Act or the regulations issued pursuant to this Act.

ADMINISTRATIVE AND JUDICIAL REVIEW

SEC. 13. Whenever—

(a) an application of a retail food store or wholesale food concern to participate in the food stamp program is denied,

(b) a retail food store or a wholesale food concern is disqualified under the provisions of section 11 of this Act, or

(c) all or part of any claim of a retail food store or wholesale food concern is denied under the provisions of section 12 of this Act, notice of such administrative action shall be issued to the retail food store or wholesale food concern involved. Such notice shall be delivered by certified mail or personal service. If such store or concern is aggrieved by such action, it may, in accordance with regulations promulgated under this Act, within ten days of the date of delivery of such notice, file a written request for an opportunity to submit information in support of its position to such person or persons as the regulations may designate. If such a request is not made or if such store or concern fails to submit information in support of its position after filing a request, the administrative determination shall be final. If such a request is made by such store or concern, such information as may be submitted by the store or concern, as well as such other information as may be available, shall be reviewed by the person or persons designated, who shall, subject to the right of judicial review hereinafter provided, make a determination which shall be final and which shall take effect fifteen days after the date of the delivery or service of such final notice of determination. If the store or concern feels aggrieved by such final

determination he may obtain judicial review thereof by filing a complaint against the United States in the United States district court for the district in which he resides or is engaged in business, or in any court of record of the State having competent jurisdiction, within thirty days after the date of delivery or service of the final notice of determination upon him, requesting the court to set aside such determination. The copy of the summons and complaint required to be delivered to the official or agency whose order is being attacked shall be sent to the Secretary or such person or persons as he may designate to receive service of process. The suit in the United States district court or State court shall be a trial de novo by the court in which the court shall determine the validity of the questioned administrative action in issue. If the court determines that such administrative action is invalid it shall enter such judgment or order as it determines is in accordance with the law and the evidence. During the pendency of such judicial review, or any appeal therefrom, the administrative action under review shall be and remain in full force and effect, unless an application to the court on not less than ten days' notice, and after hearing thereon and a showing of irreparable injury, the court temporarily stays such administrative action pending disposition of such trial or appeal.

VIOLETIONS AND ENFORCEMENT

SEC. 14. (a) Notwithstanding any other provisions of this Act, the Secretary may provide for the issuance or presentment for redemption of coupons to such person or persons, and at such times and in such manner, as he deems necessary or appropriate to protect the interests of the United States or to insure enforcement of the provisions of this Act or the regulations issued pursuant to this Act.

Fines or imprisonment.

(b) Whoever knowingly uses, transfers, acquires, or possesses coupons in any manner not authorized by this Act or the regulations issued pursuant to this Act shall, if such coupons are of the value of \$100 or more, be guilty of a felony and shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than five years, or both, or, if such coupons are of a value of less than \$100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned for not more than one year, or both.

(c) Whoever presents, or causes to be presented, coupons for payment or redemption of the value of \$100 or more, knowing the same to have been received, transferred, or used in any manner in violation of the provisions of this Act or the regulations issued pursuant to this Act shall be guilty of a felony and shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than five years, or both, or, if such coupons are of a value of less than \$100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned for not more than one year, or both.

(d) Coupons issued pursuant to this Act shall be deemed to be obligations of the United States within the meaning of title 18, United States Code, section 8.

62 Stat. 685.

COOPERATION WITH STATE AGENCIES

Costs.

SEC. 15. (a) Each State shall be responsible for financing, from funds available to the State or political subdivision thereof, the costs of carrying out the administrative responsibilities assigned to it under the provisions of this Act. Except as provided for in subsection (b) of this section, such costs shall include, but shall not be limited to, the

certification of households; the acceptance, storage, and protection of coupons after their delivery to receiving points within the States; and the issuance of such coupons to eligible households and the control and accounting therefor.

(b) The Secretary is authorized to cooperate with State agencies in the certification of households which are not receiving any type of public assistance so as to insure the effective certification of such households in accordance with the eligibility standards approved under the provisions of section 10 of this Act. Such cooperation shall include payments to State agencies for part of the cost they incur in the certification of such households. The amount of such payment to any one State agency shall be 50 per centum of the sum of: (1) the direct salary costs (including the cost of such fringe benefits as are normally paid to its personnel by the State agency) of the personnel used to make such interviews and such postinterview field investigations as are necessary to certify the eligibility of such households, and of the immediate supervisor of such personnel, for such periods of time as they are employed in certifying the eligibility of such households; (2) travel and related costs incurred by such personnel in postinterview field investigations of such households; and (3) an amount not to exceed 25 per centum of the costs computed under (1) and (2) above.

Certification assistance.

Payments to State agencies.

APPROPRIATIONS

SEC. 16. (a) To carry out the provisions of this Act, there is hereby authorized to be appropriated not in excess of \$75,000,000 for the fiscal year ending June 30, 1965; not in excess of \$100,000,000 for the fiscal year ending June 30, 1966; and not in excess of \$200,000,000 for the fiscal year ending June 30, 1967; and not in excess of such sum as may hereafter be authorized by Congress for any subsequent fiscal year. Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotments shall be transferred to and made a part of the separate account created under section 7(d) of this Act.

(b) In any fiscal year, the Secretary shall limit the value of those coupons issued which is in excess of the value of coupons for which households are charged, to an amount which is not in excess of the portion of the appropriation for such fiscal year which is transferred to the separate account under the provisions of subsection (a) of this section. If in any fiscal year the Secretary finds that the requirements of participating States will exceed the limitation set forth herein, the Secretary shall direct State agencies to reduce the amount of such coupons to be issued to participating households to the extent necessary to comply with the provisions of this subsection.

Coupon value, limitation.

(c) If the Secretary determines that any of the funds in the separate account created under section 7(d) of this Act are no longer required to carry out the provisions of this Act, such portion of such funds shall be paid into the miscellaneous receipts of the Treasury.

Ante, p. 705.

(d) Amounts expended under the authority of this Act shall not be considered amounts expended for the purpose of carrying out the agricultural price-support program and appropriations for the purposes of this Act shall be considered, for the purpose of budget presentations, to relate to the functions of the Government concerned with welfare.

Approved August 31, 1964.

Public Law 88-526

AN ACT

August 31, 1964
[H. R. 8960]

To amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of coal on the public domain and for other purposes.

Mineral Leasing Act, amendment.
74 Stat. 785.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) (1) of section 27 of the Act of February 25, 1920, as amended (30 U.S.C. 184), is further amended to read as follows:

“(a) (1) No person, association, or corporation shall take, hold, own, or control at one time, whether acquired directly from the Secretary under this Act or otherwise, coal leases or permits on an aggregate of more than forty-six thousand and eighty acres in any one State.”

62 Stat. 289.

SEC. 2. (a) Subsection (a) of section 2 of the Act of February 25, 1920, as amended (30 U.S.C. 201(a)), is further amended by the deletion from the first sentence of the words “but in no case exceeding two thousand five hundred and sixty acres in any one leasing tract.”

(b) Subsection (b) of section 2 of the Act of February 25, 1920, as amended (30 U.S.C. 201(b)), is further amended by changing the words “two thousand five hundred and sixty acres” in the first sentence thereof to “five thousand one hundred and twenty acres”.

Collective prospecting.

(c) For the purpose of more properly conserving the natural resources of any coalfield or prospective coal area, or any part or zone thereof, lessees and permittees and their representatives may enter into a contract with each other or others for collective prospecting, development, or operation of such field or prospective coal area, or any part or zone thereof, whenever determined and certified by the Secretary of the Interior to be in the public interest. A contract approved hereunder shall not provide for an apportionment of production or royalties among the separate tracts comprising the contract area, but may provide for the commingling of production with appropriate allocation to the tracts from which produced. Notwithstanding any provision of this section to the contrary, the Secretary may, with the consent of the lessees or permittees involved, establish, alter, change, or revoke mining, producing, rental, minimum royalty, and royalty requirements of such leases or permits, and issue regulations that are applicable to such leases or permits or contracts. The Secretary is authorized to enter into a contract with a single lessee or permittee embracing his leases or permits. The Secretary may authorize the consolidation of separate Federal permits or leases into a lesser number of permits or leases, or into a single permit or lease.

Maximum holdings, exceptions.

(d) Coal leases and permits operated under a contract approved or executed by the Secretary pursuant to subsection (c) of this section may be excepted from limitations on maximum holdings or control imposed by this Act if the Secretary finds that such exception is required to permit economic development of the coal resources and is otherwise consistent with the public interest.

Approved August 31, 1964.

Public Law 88-527

AN ACT

August 31, 1964
[H. R. 11134]

Making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes, namely:

Departments of
State, Justice, and
Commerce, the
Judiciary, and Re-
lated Agencies
Appropriation Act,
1965.

TITLE I—DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State, not otherwise provided for, including expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158), and allowances as authorized by the Overseas Differentials and Allowances Act (5 U.S.C. 3031-3039); expenses necessary to meet the responsibilities and obligations of the United States in Germany (including those arising under the supreme authority assumed by the United States on June 5, 1945, and under contractual arrangements with the Federal Republic of Germany); hire of passenger motor vehicles; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others; expenses authorized by section 2 of the Act of August 1, 1956 (5 U.S.C. 170g); refund of fees erroneously charged and paid for passports; radio communications; payment in advance for subscriptions to commercial information, telephone and similar services abroad; care and transportation of prisoners and persons declared insane; expenses, as authorized by law (18 U.S.C. 3192), of bringing to the United States from foreign countries persons charged with crime; and procurement by contract or otherwise, of services, supplies, and facilities, as follows: (1) translating, (2) analysis and tabulation of technical information, and (3) preparation of special maps, globes, and geographic aids; \$164,000,000, of which not less than \$12,000,000 shall be used for payments in foreign currencies or credits owed to or owned by the Treasury of the United States: *Provided*, That passenger motor vehicles in possession of the Foreign Service abroad may be replaced in accordance with section 7 of the Act of August 1, 1956 (70 Stat. 891), and the cost, including the exchange allowance, of each such replacement shall not exceed \$3,800 in the case of the chief of mission automobile at each diplomatic mission (except that five such vehicles may be purchased at not to exceed \$7,800 each) and \$1,500 in the case of all other such vehicles except station wagons.

60 Stat. 999;
74 Stat. 831.

74 Stat. 792.

60 Stat. 810.

70 Stat. 890;
76 Stat. 263.

62 Stat. 825.

5 USC 170L.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 901 of the Foreign Service Act of 1946 (22 U.S.C. 1131), \$993,000.

74 Stat. 801.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

44 Stat. 403;
77 Stat. 121.

60 Stat. 999;
74 Stat. 831.

60 Stat. 810.

For necessary expenses of carrying into effect the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 292-300), including personal services in the United States and abroad; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by the Overseas Differentials and Allowances Act (5 U.S.C. 3031-3039); and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); \$18,125,000, of which not less than \$14,000,000 shall be used for payments in foreign currencies or credits owed to or owned by the Treasury of the United States, to remain available until expended: *Provided*, That not to exceed \$1,200,000 may be used for administrative expenses during the current fiscal year.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD
(SPECIAL FOREIGN CURRENCY PROGRAM)

68 Stat. 455.
72 Stat. 1790.

For payments in foreign currencies which accrue under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), for the purposes authorized by section 104 (1) of that Act, to be credited to and expended under the appropriation account for "Acquisition, operation, and maintenance of buildings abroad", to remain available until expended, \$5,000,000: *Provided*, That this appropriation shall not be used for payments in currencies available in the Treasury for the purposes of section 104(f) of such Act, unless such currencies are excess to the normal requirements of the United States.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U.S.C. 107), \$1,500,000, and in addition \$400,000 for the fiscal year 1964.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, \$87,168,000.

MISSIONS TO INTERNATIONAL ORGANIZATIONS

74 Stat. 792.

70 Stat. 890.

For expenses necessary for permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress, including expenses authorized by the pertinent Acts and conventions providing for such representation; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by the Overseas Differentials and Allowances Act (5 U.S.C. 3031-3039); purchase not to exceed two passenger motor vehicles; and expenses authorized by section 2 (a) and (e) of the Act of August 1, 1956 (5 U.S.C. 170g); \$3,165,000.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses of participation by the United States upon approval by the Secretary of State, in international activities which arise from time to time in the conduct of foreign affairs and for which specific appropriations have not been provided pursuant to treaties, conventions, or special Acts of Congress, including personal services without regard to civil service and classification laws; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by the Overseas Differentials and Allowances Act (5 U.S.C. 3031-3039); hire of passenger motor vehicles; contributions for the share of the United States in expenses of international organizations; and expenses authorized by section 2(a) of the Act of August 1, 1956 (5 U.S.C. 170g); \$1,943,000, of which not to exceed a total of \$75,000 may be expended for representation allowances as authorized by section 901 of the Act of August 13, 1946, as amended (22 U.S.C. 1131) and for official entertainment.

60 Stat. 999;
74 Stat. 831.

74 Stat. 792.

70 Stat. 890.

74 Stat. 801.

INTERNATIONAL TARIFF NEGOTIATIONS

For necessary expenses of participation by the United States in the sixth round of tariff negotiations, \$1,000,000: *Provided*, That this appropriation shall be available in accordance with authority specified in the current appropriation for "International conferences and contingencies."

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES
AND MEXICO

For expenses necessary to enable the United States to meet its obligations under the treaties of 1884, 1889, 1905, 1906, 1933, and 1944 between the United States and Mexico, and to comply with the other laws applicable to the United States Section, International Boundary and Water Commission, United States and Mexico, including operation and maintenance of the Rio Grande rectification, canalization, flood control, bank protection, water supply, power, irrigation, boundary demarcation, and sanitation projects; detailed plan preparation and construction (including surveys and operation and maintenance and protection during construction); Rio Grande emergency flood protection; expenditures for the purposes set forth in sections 101 through 104 of the Act of September 13, 1950 (22 U.S.C. 277d-1-277d-4); purchase of four passenger motor vehicles for replacement only; purchase of planographs and lithographs; uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

24 Stat. 1011;
26 Stat. 1512;
35 Stat. 1863;
34 Stat. 2953;
48 Stat. 1621;
59 Stat. 1219.

64 Stat. 846.

68 Stat. 1114.

SALARIES AND EXPENSES

For salaries and expenses not otherwise provided for, including examinations, preliminary surveys, and investigations, \$785,000.

OPERATION AND MAINTENANCE

For operation and maintenance of projects or parts thereof, as enumerated above, including gaging stations, \$1,963,000: *Provided*, That expenditures for the Rio Grande bank protection project shall

be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89).

CONSTRUCTION

For detailed plan preparation and construction of projects authorized by the convention concluded February 1, 1933, between the United States and Mexico, the Acts approved August 19, 1935, as amended (22 U.S.C. 277-277f), August 29, 1935 (49 Stat. 961), June 4, 1936 (49 Stat. 1463), June 28, 1941 (22 U.S.C. 277f), September 13, 1950 (22 U.S.C. 277d-1-9), and the projects stipulated in the treaty between the United States and Mexico signed at Washington on February 3, 1944, \$8,000,000, to remain available until expended: *Provided*, That no expenditures shall be made for the Lower Rio Grande flood-control project for construction on any land, site, or easement in connection with this project except such as has been acquired by donation and the title thereto has been approved by the Attorney General of the United States: *Provided further*, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the costs of said dam as shall have been allocated to such purposes by the Secretary of State.

CHAMIZAL SETTLEMENT

For expenses necessary to enable the United States to meet its obligations under the Convention between the United States and Mexico, signed August 29, 1963, and to carry out the American-Mexican Chamizal Convention Act of 1964, including purchase of four passenger motor vehicles, \$30,000,000, to remain available until expended: *Provided*, That this appropriation shall not be available for expenses of operation and maintenance of works provided for in said Convention and Act.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For expenses necessary to enable the President to perform the obligations of the United States pursuant to treaties between the United States and Great Britain, in respect to Canada, signed January 11, 1909 (36 Stat. 2448), and February 24, 1925 (44 Stat. 2102), the treaty between the United States and Canada, signed February 27, 1950, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); hire of passenger motor vehicles; \$460,000, to be disbursed under the direction of the Secretary of State, and to be available also for additional expenses of the American Sections, International Commissions, as hereinafter set forth:

International Joint Commission, United States and Canada, the salary of one Commissioner on the part of the United States who shall serve at the pleasure of the President (the other Commissioners to serve in that capacity without compensation therefor); salaries of clerks and other employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses in attending hearings of the Commission at such places in the United States and Canada as the Commission or the American Commissioners shall determine to be necessary; and special and technical investigations in connection with matters falling within the Commission's jurisdiction: *Provided*, That transfers of funds may be made to other

48 Stat. 1621.

49 Stat. 660.

55 Stat. 338.

64 Stat. 846.

59 Stat. 1219.

Ante, p. 184.

1 UST 694.

60 Stat. 810.

agencies of the Government for the performance of work for which this appropriation is made.

International Boundary Commission, United States and Canada, the completion of such remaining work as may be required under the award of the Alaskan Boundary Tribunal and the existing treaties between the United States and Great Britain; commutation of subsistence to employees while on field duty, not to exceed \$8 per day each (but not to exceed \$5 per day each when a member of a field party and subsisting in camp); hire of freight and passenger motor vehicles from temporary field employees; and payment for timber necessarily cut in keeping the boundary line clear.

INTERNATIONAL FISHERIES COMMISSIONS

For expenses, not otherwise provided for, necessary to enable the United States to meet its obligations in connection with participation in international fisheries commissions pursuant to treaties or conventions, and implementing Acts of Congress, \$2,025,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions.

EDUCATIONAL EXCHANGE

MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACTIVITIES

For expenses, not otherwise provided for, necessary to enable the Secretary of State to carry out the functions of the Department of State under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 527) and the Act of August 9, 1939 (22 U.S.C. 501), including expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); expenses of the National Commission on Education, Scientific, and Cultural Cooperation as authorized by sections 3, 5, and 6 of the Act of July 30, 1946 (22 U.S.C. 287o, 287q, 287r); hire of passenger motor vehicles; not to exceed \$18,000 for representation expenses; not to exceed \$1,000 for official entertainment within the United States; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and advance of funds notwithstanding section 3648 of the Revised Statutes, as amended; \$45,000,000, of which not less than \$19,000,000 shall be used for payments in foreign currencies or credits owed to or owned by the Treasury of the United States: *Provided*, That not to exceed \$2,275,000 may be used for administrative expenses during the current fiscal year.

22 USC 2451
note.
53 Stat. 1290.
60 Stat. 999;
74 Stat. 831.

60 Stat. 713.

60 Stat. 810.

31 USC 529.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate agency of the State of Hawaii, \$5,300,000: *Provided*, That none of the funds appropriated herein shall be used to pay any part of the salary, or to enter into any contract providing for the payment thereof, to any individual whose aggregate salary from any and all sources is in excess of \$20,000 per annum.

74 Stat. 141.
22 USC 2054
note.

GENERAL PROVISIONS—DEPARTMENT OF STATE

Security guard services.

SEC. 102. Appropriations under this title for "Salaries and expenses", "International conferences and contingencies", and "Missions to international organizations" are available for reimbursement of the General Services Administration for security guard services for protection of confidential files.

Salaries or expenses, restriction.

SEC. 103. No part of any appropriation contained in this title shall be used to pay the salary or expenses of any person assigned to or serving in any office of any of the several States of the United States or any political subdivision thereof.

Advocates of one world government.

SEC. 104. None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship.

Communist China.

SEC. 105. It is the sense of the Congress that the Communist Chinese Government should not be admitted to membership in the United Nations as the representative of China.

Citation of title.

This title may be cited as the "Department of State Appropriation Act, 1965".

Department of Justice Appropriation Act, 1965.

TITLE II—DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

SALARIES AND EXPENSES, GENERAL ADMINISTRATION

For expenses necessary for the administration of the Department of Justice and for examination of judicial offices, including purchase (one for replacement only) and hire of passenger motor vehicles; and miscellaneous and emergency expenses authorized or approved by the Attorney General or the Administrative Assistant Attorney General; \$4,850,000.

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including miscellaneous and emergency expenses authorized or approved by the Attorney General or the Administrative Assistant Attorney General; not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and advances of public moneys pursuant to law (31 U.S.C. 529); \$19,350,000.

ALIEN PROPERTY ACTIVITIES

LIMITATION ON GENERAL ADMINISTRATIVE EXPENSES

The Attorney General, or such officer as he may designate, is hereby authorized to pay out of any funds or other property or interest vested in him or transferred to him pursuant to or with respect to the Trading With the Enemy Act of October 6, 1917, as amended (50 U.S.C. App.), and the International Claims Settlement Act, as amended (22 U.S.C. 1631), necessary expenses incurred in carrying out the powers and duties conferred on the Attorney General pursuant to said Acts: *Provided*, That not to exceed \$690,000 shall be available in the current fiscal year for the general administrative expenses of alien property activities, including rent of private or Government-

40 Stat. 411.
50 USC app. 1.
69 Stat. 562.

owned space in the District of Columbia: *Provided further*, That on or before November 1 of the current fiscal year the Attorney General shall make a report to the Appropriations Committees of the Senate and the House of Representatives giving detailed information on all administrative and nonadministrative expenses incurred during the next preceding fiscal year in connection with the alien property activities: *Provided further*, That of the total amount herein authorized the amount of \$50,000 is to be transferred to the appropriation for "Salaries and expenses, general administration", Justice.

Report to
congressional
committees.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$6,854,000: *Provided*, That none of this appropriation shall be expended for the establishment and maintenance of permanent regional offices of the Antitrust Division.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For necessary expenses of the offices of the United States attorneys and marshals, including purchase of firearms and ammunition; \$30,285,000, of which not to exceed \$50,000 shall be available for the employment of temporary deputy marshals in lieu of bailiffs at a rate of not to exceed \$12 per day and not to exceed \$5,000 for loss of and damage to personal effects and property of United States attorneys and marshals: *Provided*, That of the amount herein appropriated \$17,500 may be used for the emergency replacement of one prisoner-carrying bus upon certificate of the Attorney General: *Provided further*, That of the amount herein appropriated not to exceed \$200,000 shall be available for payment of compensation and expenses of Commissioners appointed in condemnation cases under Rule 71A (h) of the Federal Rules of Civil Procedure.

28 USC app.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, and not to exceed \$300,000 for such compensation and expenses of witnesses (including expert witnesses) pursuant to section 1 of the Act of July 28, 1950 (5 U.S.C. 341) and sections 4244-48 of title 18, United States Code; \$2,800,000: *Provided*, That no part of the sum herein appropriated shall be used to pay any witness more than one attendance fee for any one calendar day.

64 Stat. 380.
63 Stat. 686.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for the detection and prosecution of crimes against the United States; protection of the person of the President of the United States; acquisition, collection, classification and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies; and such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General, including purchase for police-type use without regard to the general purchase price limitation for the current fiscal

FBI Director,
compensation.

year (not to exceed five hundred and one, including one armored vehicle, for replacement only) and hire of passenger motor vehicles; firearms and ammunition; not to exceed \$10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph; payment of rewards; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; \$150,445,000: *Provided*, That the compensation of the Director of the Bureau shall be \$30,000 per annum so long as the position is held by the present incumbent.

None of the funds appropriated for the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including advance of cash to aliens for meals and lodging while en route; payment of allowances (at a rate not in excess of \$1 per day) to aliens, while held in custody under the immigration laws, for work performed; payment of rewards; not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use, without regard to the general purchase price limitation for the current fiscal year (not to exceed two hundred and fifty for replacement only) and hire of passenger motor vehicles; purchase (not to exceed five for replacement only) and maintenance and operation of aircraft; firearms and ammunition, attendance at firearms matches; refunds of head tax, maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; operation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto; acquisition of land as sites for enforcement fence and construction incident to such fence; reimbursement of the General Services Administration for security guard services for protection of confidential files; and maintenance, care, detention, surveillance, parole, and transportation of alien enemies and their wives and dependent children, including return of such persons to place of bona fide residence or to such other place as may be authorized by the Attorney General; \$71,100,000: *Provided*, That of the amount herein appropriated, not to exceed \$50,000 may be used for the emergency replacement of aircraft upon certificate of the Attorney General.

Aircraft.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES, BUREAU OF PRISONS

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision of United States prisoners in non-Federal institutions; purchase of not to exceed twenty-four (of which twenty shall be for replacement only) and hire of passenger motor vehicles; compilation of statistics relating to prisoners in Federal and non-Federal penal and correctional institutions; payment pursuant to law of claims of employees for loss, damage, or destruction of personal property (31 U.S.C. 238); firearms and ammunition; medals and other awards;

payment of rewards; purchase and exchange of farm products and livestock; construction of buildings at prison camps; and acquisition of land as authorized by section 7 of the Act of July 28, 1950 (5 U.S.C. 341f); \$54,750,000: *Provided*, That there may be transferred to the Public Health Service such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditure by that Service for medical relief for inmates of Federal penal and correctional institutions.

64 Stat. 381.

BUILDINGS AND FACILITIES

For constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, and for construction of a replacement institution for the National Training School, and a new psychiatric institution, including all necessary expenses incident thereto, by contract or force account, \$19,202,000: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, including necessary clothing and medical aid, and payment of rewards, \$4,400,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 202. None of the funds appropriated by this title may be used to pay the compensation of any person hereafter employed as an attorney (except foreign counsel employed in special cases) unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, territory, or the District of Columbia.

Attorneys,
qualifications.

SEC. 203. Seventy-five per centum of the expenditures for the offices of the United States attorney and the United States marshal for the District of Columbia from all appropriations in this title shall be reimbursed to the United States from any funds in the Treasury of the United States to the credit of the District of Columbia.

Reimbursements
to U.S.

SEC. 204. Appropriations and authorizations made in this title which are available for expenses of attendance at meetings shall be expended for such purposes in accordance with regulations prescribed by the Attorney General.

Attendance at
meetings.

SEC. 205. Appropriations and authorizations made in this title for salaries and expenses shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed \$75 per diem for individuals.

60 Stat. 810.

SEC. 206. Appropriations for the current fiscal year for "Salaries and expenses, general administration", "Salaries and expenses, United States Attorneys and Marshals", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Bureau of Prisons", shall be available for uniforms and allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131).

68 Stat. 1114.
Citation of title.

This title may be cited as the "Department of Justice Appropriation Act, 1965".

Department of
Commerce Appro-
priation Act, 1965.

TITLE III—DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

46 USC 216
note.

For expenses necessary for the general administration of the Department of Commerce, including expenses necessary to carry out the provisions of the Great Lakes Pilotage Act of 1960 (74 Stat. 259), and not to exceed \$1,500 for official entertainment, \$4,127,000.

AVIATION WAR RISK INSURANCE REVOLVING FUND

72 Stat. 803.

61 Stat. 584.

The Secretary of Commerce is hereby authorized to make such expenditures, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958 (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for aviation war risk insurance activities under said Act.

AREA REDEVELOPMENT ADMINISTRATION

OPERATIONS

42 USC 2510.

For necessary expenses, not otherwise provided for, of the Area Redevelopment Administration, including not to exceed \$4,500,000 for technical assistance, as authorized by section 11 of the Area Redevelopment Act (75 Stat. 47), \$13,700,000.

AREA REDEVELOPMENT FUND

42 USC 2505,
2506.

For loans and participations as authorized by section 6 and public facility loans as authorized by section 7 of the Area Redevelopment Act (75 Stat. 53), \$59,500,000: *Provided*, That no part of the appropriations contained in this Act shall be used for administrative expenses in connection with loans and participations financed or to be financed with funds borrowed from the Secretary of the Treasury.

OFFICE OF BUSINESS ECONOMICS

SALARIES AND EXPENSES

For necessary expenses of the Office of Business Economics, \$2,250,000.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, and publishing current census statistics, provided for by law, and modernization or development of automatic data processing equipment, \$14,700,000.

1963 CENSUSES OF BUSINESS, TRANSPORTATION, MANUFACTURES, AND MINERAL INDUSTRIES

For an additional amount for expenses necessary to prepare for taking, compiling, and publishing the 1963 censuses of business, transportation, manufactures, and mineral industries, as authorized by law, \$7,000,000, to remain available until December 31, 1966.

1964 CENSUS OF AGRICULTURE

For an additional amount for expenses necessary to prepare for taking, compiling, and publishing the 1964 Census of Agriculture, as authorized by law, \$16,000,000, to remain available until December 31, 1967.

PREPARATION FOR NINETEENTH DECENNIAL CENSUS

For an additional amount for expenses necessary to prepare for taking, compiling, and publishing the nineteenth decennial census, as authorized by law, \$1,100,000, to remain available until December 31, 1972.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Business and Defense Services Administration, \$4,715,000.

OFFICE OF FIELD SERVICES

SALARIES AND EXPENSES

For expenses necessary to operate and maintain field offices for the collection and dissemination of information useful in the development and improvement of commerce throughout the United States and its possessions, \$4,000,000.

INTERNATIONAL ACTIVITIES

SALARIES AND EXPENSES

For necessary expenses for the promotion of foreign commerce, including trade centers, mobile trade fairs, and trade and industrial exhibits, abroad, without regard to the provisions of law set forth in 41 U.S.C. 5 and 13; 44 U.S.C. 111, 322, and 324; purchase of commercial and trade reports; employment of aliens by contract for services abroad; rental of space abroad, for periods not exceeding five years, and expenses of alteration, repair, or improvement; advance of funds under contracts abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28 of the United States Code, when such claims arise in foreign countries; and not to exceed \$10,000 for official representation expenses abroad; \$9,425,000, of which \$2,410,000 shall remain available for trade and industrial exhibits until June 30, 1966: *Provided*, That the provisions of the first sentence of section 105(f) and all of 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256) shall apply in carrying out the activities concerned with exhibits and missions.

63 Stat. 405;
20 Stat. 216.

63 Stat. 62;
73 Stat. 471.

75 Stat. 531,
534.
22 USC 2455,
2458.

EXPORT CONTROL

For expenses necessary for carrying out the provisions of the Export Control Act of 1949, as amended, relating to export controls, including awards of compensation to informers under said Act and as authorized by the Act of August 13, 1953 (22 U.S.C. 401), \$4,575,000, of which not to exceed \$1,665,000 may be advanced to the Bureau of Customs, Treasury Department, for enforcement of the export control program, and of which not to exceed \$65,000 may be advanced to the appropriation for "Salaries and expenses" under "General administration".

63 Stat. 7.
50 USC app.
2021 note.
67 Stat. 577.

UNITED STATES TRAVEL SERVICE

SALARIES AND EXPENSES

22 USC 2121
note.

63 Stat. 62;
73 Stat. 471.

For necessary expenses to carry out the provisions of the International Travel Act of 1961 (75 Stat. 129), including employment of aliens by contract for service abroad; rental of space, for periods not exceeding five years, and expenses of alteration, repair or improvement; advance of funds under contracts abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28 of the United States Code, when such claims arise in foreign countries; and not to exceed \$3,500 for representation expenses abroad; \$3,000,000.

COAST AND GEODETIC SURVEY

SALARIES AND EXPENSES

61 Stat. 787.

75 Stat. 810.
10 USC 1431-
1446.

For expenses necessary to carry out the provisions of the Act of August 6, 1947, as amended (33 U.S.C. 883a-883i), including hire of aircraft; operation, maintenance, and repair of an airplane; pay, allowances, gratuities, transportation of dependents and household effects, and payment of funeral expenses, as authorized by law, for an authorized strength of 240 commissioned officers on the active list; and pay of commissioned officers retired in accordance with law; \$27,000,000, of which \$926,000 shall be available for retirement pay of commissioned officers and payments under the Retired Serviceman's Family Protection Plan: *Provided*, That during the current fiscal year, this appropriation shall be reimbursed for at least press costs and costs of paper for charts published by the Coast and Geodetic Survey and furnished for the official use of the military departments of the Department of Defense.

CONSTRUCTION OF SURVEYING SHIPS

For necessary expenses for the design, supervision, construction, equipping, and outfitting of surveying vessels, as authorized by the Act of August 6, 1947 (33 U.S.C. 883i), \$9,000,000, to remain available until expended.

CONSTRUCTION AND EQUIPMENT

For expenses necessary for construction and equipment of magnetic, seismological, and other facilities as authorized by the Act of August 6, 1947 (33 U.S.C. 883i), \$575,000, to remain available until expended.

PATENT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent Office, including defense of suits instituted against the Commissioner of Patents, \$30,500,000.

NATIONAL BUREAU OF STANDARDS

RESEARCH AND TECHNICAL SERVICES

31 Stat. 1449.

For expenses necessary in performing the functions authorized by the Act of March 3, 1901, as amended (15 U.S.C. 271-278e), including general administration; operation, maintenance, alteration, and protection of grounds and facilities; and improvement and construction of facilities as authorized by the Act of September 2, 1958

(15 U.S.C. 278d); \$30,000,000, of which not to exceed \$175,000 shall be available for payments to the "Working Capital Fund", National Bureau of Standards, for additional capital: *Provided*, That during the current fiscal year the maximum base rate of compensation for employees appointed pursuant to the Act of September 2, 1958 (15 U.S.C. 278e), shall be equivalent to the maximum scheduled rate for GS-12.

72 Stat. 1711.

Ante, p. 400.

RESEARCH AND TECHNICAL SERVICES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the National Bureau of Standards, as authorized by law, \$500,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Bureau, for payments in the foregoing currencies.

PLANT AND FACILITIES

For expenses incurred, as authorized by section 1 of the Act of September 2, 1958 (15 U.S.C. 278c-278e), in the acquisition, construction, improvement, alteration, or emergency repair of buildings, grounds, and other facilities, including an addition to a radiation physics laboratory, a standard frequency broadcasting station and an isotope separator facility; and procurement and installation of special research equipment and facilities, therefor; \$3,770,000, to remain available until expended.

CONSTRUCTION OF FACILITIES

For an additional amount for "Construction of facilities", including construction, equipment, and expenses of occupying the facilities, \$5,800,000, to remain available until expended.

WORKING CAPITAL FUND

The "Working capital fund" shall be available, during the current fiscal year, for the purchase of not to exceed two passenger motor vehicles for replacement only.

OFFICE OF TECHNICAL SERVICES

SALARIES AND EXPENSES

For necessary expenses of the Office of Technical Services, \$1,130,000.

WEATHER BUREAU

SALARIES AND EXPENSES

For expenses necessary for the Weather Bureau, including maintenance and operation of aircraft; purchase of upper air supplies for delivery through December 31, of the next fiscal year; and not to exceed \$10,000 for maintenance of a printing office in the city of Washington, as authorized by law; \$65,100,000.

RESEARCH AND DEVELOPMENT

For expenses necessary for the conduct of research by the Weather Bureau, including development and service testing of equipment; operation and maintenance of aircraft; and for acquisition, establishment, and relocation of research facilities and related equipment; \$10,400,000, to remain available until June 30, 1967: *Provided*, That appropriations heretofore granted under this head shall be merged with this appropriation.

RESEARCH AND DEVELOPMENT (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Weather Bureau, as authorized by law, \$500,000, to remain available until expended: *Provided*, That this appropriation shall be available in addition to other appropriations to the Bureau for payments in the foregoing currencies.

ESTABLISHMENT OF METEOROLOGICAL FACILITIES

For an additional amount for the acquisition, establishment, and relocation of operational facilities and related equipment, including the alteration and modernization of existing facilities, and for the acquisition of land; \$725,000, to remain available until June 30, 1967: *Provided*, That the appropriations heretofore granted under this head shall be merged with this appropriation.

METEOROLOGICAL SATELLITE OPERATIONS

For expenses necessary to establish and operate a system for the continuous observation of worldwide meteorological conditions from space satellites, and for the reporting and processing of the data obtained for use in weather forecasting \$10,000,000, to remain available until expended: *Provided*, That this appropriation shall be available for payment to the National Aeronautics and Space Administration for procurement, in accordance with the authority available to that Administration, of such equipment or facilities as may be necessary to establish and operate the aforesaid system.

MARITIME ADMINISTRATION

SHIP CONSTRUCTION

For construction-differential subsidy and cost of national-defense features incident to construction of ships for operation in foreign commerce (46 U.S.C. 1152, 1154); for construction-differential subsidy and cost of national-defense features incident to the reconstruction and reconditioning of ships under title V of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1154); and for acquisition of used ships pursuant to section 510 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1160); to remain available until expended, \$124,900,000: *Provided*, That transfers may be made to the appropriation for the current fiscal year for "Salaries and expenses" for administrative and warehouse expenses (not to exceed \$3,150,000) and for reserve fleet expenses (not to exceed \$700,000), and any such transfers shall be without regard to the limitations under that appropriation on the amounts available for such expenses.

49 Stat. 1996;
52 Stat. 956, 958.

53 Stat. 1183;
68 Stat. 680;
74 Stat. 312.

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT
AUTHORIZATION)

For the payment of obligations incurred for operating-differential subsidies granted on or after January 1, 1947, as authorized by the Merchant Marine Act, 1936, as amended, and in appropriations heretofore made to the United States Maritime Commission, \$187,500,000, to remain available until expended: *Provided*, That no contracts shall be executed during the current fiscal year by the Secretary of Commerce which will obligate the Government to pay operating-differential subsidy on more than two thousand four hundred voyages in any one calendar year, including voyages covered by contracts in effect at the beginning of the current fiscal year.

49 Stat. 1985.
46 USC 1245.

RESEARCH AND DEVELOPMENT

For expenses necessary for research, development, fabrication, and test operation of experimental facilities and equipment; collection and dissemination of maritime technical and engineering information; studies to improve water transportation systems; and supporting services related to nuclear ship operation; \$9,500,000, to remain available until expended: *Provided*, That transfers may be made to the appropriation for the current fiscal year for "Salaries and expenses" for administrative expenses (not to exceed \$800,000), and any such transfers shall be without regard to the limitation under that appropriation on the amount available for such expenses: *Provided further*, That transfers may be made from this appropriation to the "Vessel operations revolving funds" for losses resulting from expenses of experimental ship operations.

SALARIES AND EXPENSES

For expenses necessary for carrying into effect the Merchant Marine Act, 1936, and other laws administered by the Maritime Administration, \$15,300,000, within limitations as follows:

Administrative expenses, including not to exceed \$1,125 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator, and not to exceed \$1,250 for representation allowances, \$9,400,000;

Maintenance of shipyard facilities and operation of warehouses, \$500,000;

Reserve fleet expenses, \$5,400,000.

MARITIME TRAINING

For training cadets as officers of the Merchant Marine at the Merchant Marine Academy at Kings Point, New York; not to exceed \$2,500 for contingencies for the Superintendent, United States Merchant Marine Academy, to be expended in his discretion; and uniform and textbook allowances for cadet midshipmen, at an average yearly cost of not to exceed \$300 per cadet; \$4,484,000, of which \$750,000 shall remain available until expended for construction of a library building: *Provided*, That, except as herein provided for uniform and textbook allowances, this appropriation shall not be used for compensation or allowances for cadets: *Provided further*, That reimbursement may be made to this appropriation for expenses in support of activities financed from the appropriations for "Research and development" and "Ship construction".

STATE MARINE SCHOOLS

46 USC 1381
note.

For financial assistance to State marine schools and the students thereof as authorized by the Maritime Academy Act of 1958 (72 Stat. 622-624), \$1,725,000, of which \$540,000 is for maintenance and repair of vessels loaned by the United States for use in connection with such State marine schools, and \$1,185,000, to remain available until expended, is for liquidation of obligations incurred under authority granted by said Act, to enter into contracts to make payments for expenses incurred in the maintenance and support of marine schools, and to pay allowances for uniforms, textbooks, and subsistence of cadets at State marine schools.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

No additional vessel shall be allocated under charter, nor shall any vessel be continued under charter by reason of any extension of chartering authority beyond June 30, 1949, unless the charterer shall agree that the Maritime Administration shall have no obligation upon redelivery to accept or pay for consumable stores, bunkers, and slop-chest items, except with respect to such minimum amounts of bunkers as the Maritime Administration considers advisable to be retained on the vessel and that prior to such redelivery all consumable stores, slop-chest items, and bunkers over and above such minimums shall be removed from the vessel by the charterer at his own expense.

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

49 Stat. 1985.
23 USC 1245.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

BUREAU OF PUBLIC ROADS

LIMITATION ON GENERAL ADMINISTRATIVE EXPENSES

75 Stat. 779.
23 USC 313
note.

Necessary expenses of administration and research (not to exceed \$47,000,000), including maintenance of a National Register of Revoked Motor Vehicle Operators' Licenses, as authorized by law (74 Stat. 526), and purchase of twenty-five passenger motor vehicles of which sixteen shall be for replacement only, shall be paid, in accordance with law, from appropriations made available by this Act to the Bureau of Public Roads and from advances and reimbursements received by the Bureau of Public Roads.

72 Stat. 889,
914.

Of the total amount available from appropriations of the Bureau of Public Roads for general administrative and research expenses pursuant to the provisions of title 23, United States Code, section 104(a), \$100,000 shall be available for carrying out the provisions of title 23, United States Code, section 309.

FEDERAL-AID-HIGHWAYS (TRUST FUND)

For carrying out the provisions of title 23, United States Code, which are attributable to Federal-aid highways, to remain available until expended, \$3,648,250,000, or so much thereof as may be available in and derived from the "Highway trust fund"; which sum is composed of \$1,417,464,169, the balance of the amount authorized for the fiscal year 1963, and \$2,225,413,315 (or so much thereof as may be available in and derived from the "Highway trust fund"), a part of the amount authorized to be appropriated for the fiscal year 1964, \$3,442,489 for reimbursement of the sum expended for the repair or reconstruction of highways and bridges which have been damaged or destroyed by floods, hurricanes, or landslides, as provided by title 23, United States Code, section 125, and \$1,930,027 for reimbursement of the sums expended for the design and construction of bridges upon and across dams, as provided by title 23, United States Code, section 320.

73 Stat. 612.

72 Stat. 917.

FOREST HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 204, pursuant to contract authorization granted by title 23, United States Code, section 203, to remain available until expended, \$32,000,000, which sum is composed of \$3,950,000, the balance of the amount authorized to be appropriated for the fiscal year 1963, and \$28,050,000, a part of the amount authorized to be appropriated for the fiscal year 1964: *Provided*, That this appropriation shall be available for the rental, purchase, construction, or alteration of buildings and sites necessary for the storage and repair of equipment and supplies used for road construction and maintenance but the total cost of any such item under this authorization shall not exceed \$15,000.

PUBLIC LANDS HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 209, pursuant to the contract authorization granted by title 23, United States Code, section 203, to remain available until expended, \$7,000,000, which sum is composed of \$3,300,000, the balance of the amount authorized for the fiscal year 1963, and \$3,700,000, a part of the amount authorized to be appropriated for the fiscal year 1964.

INTER-AMERICAN HIGHWAY

For necessary expenses for construction of the Inter-American Highway, in accordance with the provisions of section 212 of title 23 of the United States Code, to remain available until expended, \$2,000,000.

GENERAL PROVISIONS—BUREAU OF PUBLIC ROADS

Not to exceed \$10,000 may be expended during the current fiscal year for services of individuals employed pursuant to section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates in excess of \$50 per diem.

60 Stat. 810.

TRANSPORTATION RESEARCH

For necessary expenses for conducting transportation research activities, \$2,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

63 Stat. 907.

SEC. 302. During the current fiscal year applicable appropriations and funds available to the Department of Commerce shall be available for the activities specified in the Act of October 26, 1949 (5 U.S.C. 596a), to the extent and in the manner prescribed by said Act.

60 Stat. 810.

SEC. 303. During the current fiscal year appropriations to the Department of Commerce which are available for salaries and expenses shall be available for hire of passenger motor vehicles; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but, unless otherwise specified, at rates for individuals not to exceed \$75 per diem; and uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131).

68 Stat. 1114.

Citation of title.

This title may be cited as the "Department of Commerce Appropriation Act, 1965".

Judiciary Approp-
riation Act, 1965.

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES

For the Chief Justice and eight Associate Justices, and all other officers and employees, whose compensation shall be fixed by the Court, except as otherwise provided by law, and who may be employed and assigned by the Chief Justice to any office or work of the Court, \$1,815,000.

PRINTING AND BINDING SUPREME COURT REPORTS

For printing and binding the advance opinions, preliminary prints, and bound reports of the Court, \$138,000.

MISCELLANEOUS EXPENSES

For miscellaneous expenses, to be expended as the Chief Justice may approve, \$120,000.

CARE OF THE BUILDING AND GROUNDS

48 Stat. 668.

5 USC 1071
note, 2251 note.

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without reference to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); \$304,600.

AUTOMOBILE FOR THE CHIEF JUSTICE

For purchase, exchange, lease, driving, maintenance, and operation of an automobile for the Chief Justice of the United States, \$8,100.

BOOKS FOR THE SUPREME COURT

For books and periodicals for the Supreme Court, to be purchased by the Librarian of the Supreme Court, under the direction of the Chief Justice, \$35,000.

COURT OF CUSTOMS AND PATENT APPEALS

SALARIES AND EXPENSES

For salaries of the chief judge, four associate judges, and all other officers and employees of the court, and necessary expenses of the court, including exchange of books, and traveling expenses, as may be approved by the chief judge \$397,600.

CUSTOMS COURT

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges; salaries of the officers and employees of the court; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and necessary expenses of the court, including exchange of books, and traveling expenses, as may be approved by the court; \$1,028,000: *Provided*, That traveling expenses of judges of the Customs Court shall be paid upon the written certificate of the judge.

60 Stat. 810.

COURT OF CLAIMS

SALARIES AND EXPENSES

For salaries of the chief judge, four associate judges, and all other officers and employees of the court, and for other necessary expenses, including stenographic and other fees and charges necessary in the taking of testimony, and travel, \$1,140,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

For salaries of circuit judges; district judges (including judges of the district courts of the Virgin Islands, the Panama Canal Zone, and Guam); justices and judges retired or resigned under title 28, United States Code, sections 371, 372, and 373; and annuities of widows of Justices of the Supreme Court of the United States in accordance with title 28, United States Code, section 375; \$11,100,000.

68 Stat. 12;
71 Stat. 586.

68 Stat. 918.

SALARIES OF SUPPORTING PERSONNEL

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, \$32,445,000: *Provided*, That the compensation of secretaries and law clerks of circuit and district judges shall be fixed by the Director of the Administrative Office of the United States Courts without regard to the Classification Act of 1949, as amended, except that the salary of a secretary shall conform with that of the General Schedule grades (GS) 5, 6, 7, 8, 9, or 10, as the appointing judge shall determine, and the salary of a law clerk shall conform with that of the General Schedule grades (GS) 7, 8, 9, 10, 11, or 12, as the appointing judge shall determine, subject to review by the Judicial Conference of the United States if requested by the Director, such determination by the judge otherwise to be final: *Provided further*, That (exclusive of step increases corresponding with those provided for by title VII of the Classification Act of 1949, as amended, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by one judge shall not exceed \$17,670 per annum, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed \$23,465 per annum.

5 USC 1071
note; *Ante*, p.
400.76 Stat. 847.
5 USC 1121-
1123.

FEES OF JURORS AND COMMISSIONERS

For fees, expenses, and costs of jurors; compensation of jury commissioners; fees of United States commissioners and other committing magistrates acting under title 18, United States Code, section 3041; and compensation of voting referees fixed by the court pursuant to the provisions of the Civil Rights Act of 1960 (74 Stat. 86); \$5,500,000.

62 Stat. 815.

42 USC 1971
note.

TRAVEL AND MISCELLANEOUS EXPENSES

For necessary travel and miscellaneous expenses, not otherwise provided for, incurred by the Judiciary, including the purchase of firearms and ammunition, and the cost of contract statistical services for the office of Register of Wills of the District of Columbia, \$4,710,000: *Provided*, That this sum shall be available in an amount not to exceed \$16,500 for expenses of attendance at meetings concerned with the work of Federal probation when incurred on the written authorization of the Director of the Administrative Office of the United States Courts: *Provided further*, That no part of this appropriation may be used for payment of actual expenses of subsistence in excess of \$25 per diem.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, and rent in the District of Columbia and elsewhere, \$1,619,500: *Provided*, That not to exceed \$90,000 of the appropriations contained in this title shall be available for the study of rules of practice and procedure.

SALARIES OF REFEREES

For salaries of referees as authorized by the Act of June 28, 1946, as amended (11 U.S.C. 68), not to exceed \$2,670,000, and in addition not to exceed \$50,000 for fiscal year 1964, to be derived from the Referees' salary and expense fund established in pursuance of said Act.

EXPENSES OF REFEREES

For expenses of referees as authorized by the Act of June 28, 1946, as amended (11 U.S.C. 68, 102), not to exceed \$5,750,000, to be derived from the Referees' salary and expense fund established in pursuance of said Act.

60 Stat. 326, 329;
52 Stat. 872.

GENERAL PROVISIONS—THE JUDICIARY

Reimbursements
to U.S.

SEC. 402. Sixty per centum of the expenditures for the District Court of the United States for the District of Columbia from all appropriations under this title and 30 per centum of the expenditures for the United States Court of Appeals for the District of Columbia from all appropriations under this title shall be reimbursed to the United States from any funds in the Treasury to the credit of the District of Columbia.

U.S. Court of
Appeals reports.

SEC. 403. The reports of the United States Court of Appeals for the District of Columbia shall not be sold for a price exceeding that approved by the court and for not more than \$6.50 per volume.

Citation of title.

This title may be cited as the "Judiciary Appropriation Act, 1965".

TITLE V—RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchase and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; not to exceed \$66,000 for expenses of travel; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries when required by law of such countries; \$1,800,000: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

DEDICATION OF MEMORIALS

The funds made available under this head in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1963, shall remain available until June 30, 1965.

76 Stat. 1101.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, \$985,000: *Provided*, That the compensation of any employee paid from funds provided under this head shall not exceed \$20,500 per annum.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not to exceed \$75 per diem; hire of passenger motor vehicles; and uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); \$2,763,000.

60 Stat. 810.

68 Stat. 1114.

FOREIGN CLAIMS SETTLEMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry on the activities of the Foreign Claims Settlement Commission, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); allowances and

60 Stat. 1025.
22 USC 1131-
1158.

benefits similar to those provided by title IX of the Foreign Service Act of 1946, as amended, as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; and advances of funds abroad; not to exceed \$44,000 for expenses of travel; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; \$1,650,000, and in addition \$225,000 (to be merged with this appropriation) to be derived from the appropriation "Payment of Philippine War Damage Claims."

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles \$7,150,000, and in addition there may be transferred to this appropriation (a) not to exceed \$50,000 from the appropriation "Trade adjustment loan assistance," for administrative expenses of activities financed under that appropriation, and (b) not to exceed \$28,000,000 from the revolving fund, Small Business Administration, for administrative expenses in connection with activities financed under said fund: *Provided*, That the amount authorized for transfer from the revolving fund, Small Business Administration, may be increased, with the approval of the Bureau of the Budget, by such amount (not exceeding \$500,000) as may be required to finance administrative expenses incurred in the making of disaster loans: *Provided further*, That 10 per centum of the amount authorized to be transferred from the revolving fund, Small Business Administration, shall be apportioned for use, pursuant to section 3679 of the Revised Statutes, as amended, only in such amounts and at such times as may be necessary to carry out the business loan program.

31 USC 665.

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

SALARIES AND EXPENSES

For expenses necessary for the Special Representative for Trade Negotiations, including hire of passenger motor vehicles, and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed \$75 per diem, \$525,000.

60 Stat. 810.

SUBVERSIVE ACTIVITIES CONTROL BOARD

SALARIES AND EXPENSES

For necessary expenses of the Subversive Activities Control Board, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), not to exceed \$30,000 for expenses of travel, and not to exceed \$500 for the purchase of newspapers and periodicals, \$440,000.

TARIFF COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Tariff Commission, including subscriptions to newspapers (not to exceed \$300), not to exceed \$70,000 for expenses of travel, and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed \$75 per diem for individuals, \$3,250,000: *Provided*, That no part of this appropriation shall be used to pay the salary of any member of the Tariff Commission who shall hereafter participate in any proceedings under sections 336, 337, and 338 of the Tariff Act of 1930, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative: *Provided further*, That no part of the foregoing appropriation shall be used for making any special study, investigation, or report at the request of any other agency of the executive branch of the Government unless reimbursement is made for the cost thereof.

60 Stat. 810.

46 Stat. 701.
19 USC 1336-1338.

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities authorized by the Act of September 26, 1961, as amended (75 Stat. 631; 77 Stat. 341), \$9,000,000.

22 USC 2551
note.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 8 of 1953, the Mutual Educational and Cultural Exchange Act (75 Stat. 527), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international information activities, including employment, without regard to the civil service and classification laws, of (1) persons on a temporary basis (not to exceed \$20,000), (2) aliens within the United States, and (3) aliens abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages (such aliens to be investigated for such employment in accordance with procedures established by the Secretary of State and the Attorney General); travel expenses of aliens employed abroad for service in the United States and their dependents to and from the United States; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); entertainment within the United States not to exceed \$500; hire of passenger motor vehicles; insurance on official motor vehicles in foreign countries; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); payment of tort claims, in the manner authorized in the first paragraph of section 2672, as amended, of title 28 of the United States Code when such claims arise in foreign countries; advance of funds notwithstanding section 3648 of the Revised Statutes, as amended; dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others; employment of aliens, by contract, for service abroad; purchase of ice and drinking water abroad; payment of excise taxes on negotiable instruments abroad; purchase of uniforms for not to exceed six guards; actual expenses

67 Stat. 642.
5 USC 1332-15
note.22 USC 2451
note.62 Stat. 6;
75 Stat. 538.60 Stat. 999;
74 Stat. 831.

60 Stat. 810.

63 Stat. 62;
73 Stat. 471.

31 USC 529.

of preparing and transporting to their former homes the remains of persons, not United States Government employees, who may die away from their homes while participating in activities authorized under this appropriation; radio activities and acquisition and production of motion pictures and visual materials and purchase or rental of technical equipment and facilities therefor, narration, script-writing, translation, and engineering services, by contract or otherwise; maintenance, improvement, and repair of properties used for information activities in foreign countries; fuel and utilities for Government-owned or leased property abroad; rental or lease for periods not exceeding five years of offices, buildings, grounds, and living quarters for officers and employees engaged in informational activities abroad; travel expenses for employees attending official international conferences, without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under the Travel Expense Act of 1949, but at rates not in excess of comparable allowances approved for such conferences by the Secretary of State; and purchase of objects for presentation to foreign governments, schools, or organizations; \$137,800,000, of which not less than \$11,000,000 shall be used for payments in foreign currencies or credits owed to or owned by the Treasury of the United States: *Provided*, That not to exceed \$110,000 may be used for representation abroad: *Provided further*, That this appropriation shall be available for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel, when any part of such travel or transportation begins in the current fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed during the current year: *Provided further*, That passenger motor vehicles used abroad exclusively for the purposes of this appropriation may be exchanged or sold, pursuant to section 201(c) of the Act of June 30, 1949 (40 U.S.C. 481(c)), and the exchange allowances or proceeds of such sales shall be available for replacement of an equal number of such vehicles and the cost, including the exchange allowance of each such replacement, except buses and station wagons, shall not exceed \$1,500: *Provided further*, That, notwithstanding the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the United States Information Agency is authorized, in making contracts for the use of international short-wave radio stations and facilities, to agree on behalf of the United States to indemnify the owners and operators of said radio stations and facilities from such funds as may be hereafter appropriated for the purpose against loss or damage on account of injury to persons or property arising from such use of said radio stations and facilities: *Provided further*, That existing appointments and assignments to the Foreign Service Reserve for the purposes of foreign information and educational activities which expire during the current fiscal year may be extended for a period of one year in addition to the period of appointment or assignment otherwise authorized.

63 Stat. 166;
75 Stat. 339, 340.
5 USC 835 note.

63 Stat. 384.

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the United States Information Agency, as authorized by law, \$8,200,000, to remain available until expended.

SPECIAL INTERNATIONAL EXHIBITIONS

For expenses necessary to carry out the functions of the United States Information Agency under section 102(a)(3) of the "Mutual Educational and Cultural Exchange Act of 1961" (75 Stat. 527), \$6,000,000, to remain available until expended: *Provided*, That not to exceed a total of \$10,500 may be expended for representation.

76 Stat. 263.
22 USC 2452.

SPECIAL INTERNATIONAL EXHIBITIONS

(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the United States Information Agency in connection with special international exhibitions under the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 527), \$400,000, to remain available until expended: *Provided*, That not to exceed \$1,250 may be expended for representation.

22 USC 2451
note.

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception, purchase and installation of necessary equipment for radio transmission and reception, without regard to the provisions of the Act of June 30, 1932 (40 U.S.C. 278a), and acquisition of land and interests in land by purchase, lease, rental, or otherwise, \$2,000,000, to remain available until expended: *Provided*, That this appropriation shall be available for acquisition of land outside the continental United States without regard to section 355 of the Revised Statutes (40 U.S.C. 255), and title to any land so acquired shall be approved by the Director of the United States Information Agency.

47 Stat. 412,
1517.

TITLE VI—FEDERAL PRISON INDUSTRIES,
INCORPORATED

The following corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the fiscal year 1965 for such corporation, except as hereinafter provided:

61 Stat. 584.
31 USC 849.

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES,
FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$680,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed \$1,480,000 for the expenses of vocational training of prisoners, both amounts to be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and to be computed on an accrual basis and to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of

60 Stat. 810.

depreciation, payment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

TITLE VII—GENERAL PROVISIONS

Publicity or
propaganda.

SEC. 701. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 702. No part of any appropriation contained in this Act shall be used to administer any program which is funded in whole or in part from foreign currencies or credits for which a specific dollar appropriation therefor has not been made.

Short title.

This Act may be cited as the "Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1965".

Approved August 31, 1964.

Public Law 88-528

AN ACT

August 31, 1964
[H. R. 10419]

To amend further the Farm Credit Act of 1933, as amended, to provide that part of the patronage refunds paid by a bank for cooperatives shall be in money instead of class C stock after the bank becomes subject to Federal income tax, and for other purposes.

Agriculture.
Banks for coop-
eratives, refunds.
69 Stat. 659.

68A Stat. 3;
Ante, p. 19.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 36(b) of the Farm Credit Act of 1933, as amended (12 U.S.C. 1134l(b)), is amended by adding the following sentence at the end thereof: "For any fiscal year that a bank for cooperatives is subject to Federal income tax under chapter 1 of the Internal Revenue Code of 1954, it shall pay in money instead of class C stock such portion of its patronage refunds as will permit its taxable income under said chapter 1 to be determined without taking into account savings applied as provided in (2), (4), and (6) of subsection (a) of this section."

Approved August 31, 1964.

Public Law 88-529

AN ACT

August 31, 1964
[H. R. 9747]

To extend for three years the special milk programs for the Armed Forces and veterans hospitals.

Armed Forces
and veterans
hospitals.
Milk programs.
75 Stat. 319.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446a), is amended by striking in subsections (a) and (b) the words "December 31, 1964," and inserting in lieu thereof "December 31, 1967".

Approved August 31, 1964.

Public Law 88-530

AN ACT

To amend section 25 of title 13, United States Code, relating to the duties of enumerators of the Bureau of the Census, Department of Commerce.

August 31, 1964
[H. R. 4818]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 25 of title 13, United States Code (relating to certain duties of enumerators of the Bureau of the Census, Department of Commerce), is hereby repealed.

Census enumerators.
Duties.
68 Stat. 1015.

Approved August 31, 1964.

Public Law 88-531

AN ACT

To bring certain United States commissioners within the purview of the Federal Employees Health Benefits Act of 1959 and the Federal Employees' Group Life Insurance Act of 1954.

August 31, 1964
[H. R. 5708]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(a) of the Federal Employees Health Benefits Act of 1959, as amended (5 U.S.C. 3001(a)), is amended by inserting immediately following the word "includes" the following: "any United States commissioner to whom the Civil Service Retirement Act applies by operation of section 2(g) of that Act,".

U.S. Commissioners.
Health benefits, coverage.
73 Stat. 709.

SEC. 2. Section 2(a) of the Federal Employees' Group Life Insurance Act of 1954, as amended (5 U.S.C. 2091(a)), is amended by inserting immediately following "District of Columbia" the following: "and each United States commissioner to whom the Civil Service Retirement Act applies by operation of section 2(g) of that Act,".

5 USC 2252.
Life insurance.
68 Stat. 736.

Approved August 31, 1964.

Public Law 88-532

AN ACT

To amend section 131 of title 13, United States Code, so as to provide for taking of the economic censuses one year earlier starting in 1968.

August 31, 1964
[H. R. 3545]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 131 of title 13, United States Code, is amended to read as follows:

Economic censuses.
71 Stat. 482.

"§ 131. Collection and publication; five-year periods

"The Secretary shall take, compile, and publish censuses of manufactures, of mineral industries, and of other businesses, including the distributive trades, service establishments, and transportation (exclusive of means of transportation for which statistics are required by law to be filed with, and are compiled and published by, a designated regulatory body), in the year 1964, then in the year 1968, and every fifth year thereafter, and each such census shall relate to the year immediately preceding the taking thereof."

Approved August 31, 1964.

Public Law 88-533

August 31, 1964
[H. R. 1794]

AN ACT

To authorize payment for certain interests in lands within the Alleghany Indian Reservation in New York, required by the United States for the Allegheny River (Kinzua Dam) project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes.

Allegheny In-
dian Reservation,
N. Y.
Seneca Nation,
payments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in furtherance of the Allegheny Reservoir project authorized by the Flood Control Acts of June 28, 1938 (52 Stat. 1215), August 18, 1941 (55 Stat. 638), and December 22, 1944 (58 Stat. 889), payment shall be made as hereinafter set forth in this Act to the Seneca Nation and to the individual Seneca Indians for such easements, interests in land and other property within the Alleghany Indian Reservation, more particularly described in section 14 of this Act, as have been taken for the construction, operation, and maintenance of said project.

SEC. 2. In consideration for the interests in land acquired as set forth in section 1 of this Act, the United States will pay, out of funds available for the Allegheny Reservoir project, and in accordance with the provisions of section 3 hereof—

(a) to the Seneca Nation, the amount of \$666,285, as full compensation for the direct damages (including surface severance damages, but excluding damages caused by the increased expense of developing or otherwise exploiting the subsurface resources retained by the nation under section 6) to lands within the Alleghany Indian Reservation caused by the acquisition of interests therein by the United States;

(b) to the Seneca Nation, the sum of \$100,000, as full compensation for the damages caused by the increased expense of developing or otherwise exploiting the oil and gas subsurface resources retained by the nation under section 6 of this Act: *Provided, however,* That the Seneca Nation shall have the right, in the condemnation proceedings instituted by the United States in the United States District Court for the Western District of New York, to seek an additional sum as just compensation due the nation for damages to the sand and gravel resources within the Alleghany Indian Reservation caused by the acquisition of interests in land therein by the United States: *Provided further,* That in the event the Seneca Nation seeks such additional compensation, the district court under section 1358, title 28, United States Code, shall have jurisdiction to determine the just compensation due to the nation for said damages.

(c) to individual Seneca Indians, a sum aggregating \$522,775, to be disbursed in accordance with the provisions of a schedule prepared pursuant to section 3(c) of this Act, as full compensation for the taking of houses, barns, fences, wells, and other structures and improvements on lands within the Alleghany Indian Reservation; and

(d) to the Seneca Nation, the amount of \$945,573, in full settlement of all other claims, rights, and demands of the nation and its members, including indirect damages and loss of access to the bed of the Allegheny River, arising out of the taking of property as set forth in section 1 of this Act, exclusive of the interest, if any, of the Seneca Nation in houses, structures, or other improvements within the Alleghany Indian Reservation claimed by nonmembers of the nation.

(e) In making payments under this section, the United States shall be entitled to a credit for all funds heretofore deposited in

condemnation proceedings before the United States District Court for the Western District of New York as the estimated just compensation for the acquisition of interests in lands and other property belonging to the Seneca Nation or individual Seneca Indians in connection with the Allegheny Reservoir project.

(f) The sums payable under (a) and (c) of this section shall be subject to deduction in accordance with stipulations entered into, or to be entered into, between the United States, the Seneca Nation, and individual Seneca Indians if it is judicially determined that title to any lands or improvements to which such compensation relates was not vested at the time of the taking, in whole or in part, in the Seneca Nation or individual Seneca Indians.

SEC. 3. (a) The payment authorized by section 2(a) of this Act shall be made directly to the Seneca Nation: *Provided*, That out of the funds so distributed to the nation a sum not exceeding \$611,675 shall be paid to individual Seneca Indians in accordance with a schedule prepared by the Secretary of the Army, after certification by the nation. Said schedule shall reflect the amount agreed upon by the Secretary of the Army and the Seneca Nation, with the approval of the Secretary of the Interior, as compensation for the interests in lands within the taking area of said individual Seneca Indians. Method of payment.

(b) The payment authorized by section 2(b) of this Act shall be made directly to the Seneca Nation: *Provided*, That if the nation through litigation recovers additional compensation for damages to its sand and gravel resources, the United States shall be entitled to a credit against that supplemental award in the amount paid to the nation under section 2(a) for damages to the surface of the lands on which such sand and gravel are located.

(c) The payments authorized by section 2(c) of this Act shall be made directly to individual Seneca Indians in accordance with a schedule of property owners within the taking area prepared by the Secretary of the Army, after certification by the Seneca Nation. Said schedule shall reflect the amount agreed upon by the Secretary of the Army and the nation, with the approval of the Secretary of the Interior, as compensation for the homes, barns, fences, wells, and other structures and improvements within the taking area of said individual Seneca Indians.

(d) The payment authorized by section 2(d) of this Act shall be made directly to the Seneca Nation: *Provided*, That the nation, with the approval of the Secretary of the Interior, shall make available from the funds so distributed not to exceed \$127,050, to pay the expenses, costs, losses, and damages incurred by individual Seneca Indians as a result of moving themselves and their possessions, including dwellings and other buildings owned by the members of the nation, on account of the acquisition by the United States of interests in land within the Allegany Reservation as set forth in section 1 of this Act.

(e) No part of the compensation provided for in section 2 of this Act shall be subject to any prior lien, debt, or claim of any nature whatsoever against the Seneca Nation or the individual Seneca Indians entitled to such compensation, except for the repayment of development loans made to the Seneca Nation, or of housing or resettlement loans made to individual Seneca Indians, by a bank or other recognized lending institution, and also except for delinquent debts owed to the United States by the nation or delinquent debts owed to the United States or the Seneca Nation by the individual Seneca Indian entitled to the compensation: *Provided*, That such compensation shall not be applied to the payment of individual delinquent debts to the United States unless the Secretary of the

Interior first determines and certifies that no hardship will result from the payment of such delinquent debts.

Appropriation.

SEC. 4. There is authorized to be appropriated the additional sum of \$12,128,917, which shall be deposited in the Treasury of the United States to the credit of the Seneca Nation and which shall draw interest on the principal at the rate of 4 per centum per annum until expended for assistance designed to improve the economic, social, and educational conditions of enrolled members of the Seneca Nation, including but not limited to the following purposes:

(a) developing and carrying out individual and family plans, including relocation and resettlement and the construction of roads, utilities, sanitation facilities, houses, and related structures;

(b) the construction and maintenance of community buildings and other community facilities; and

(c) industrial and recreational development on the Allegany, Cattaraugus, and Oil Springs Reservations.

The funds authorized by this section shall be expended in accordance with plans and programs approved by the Seneca Nation and the Secretary of the Interior: *Provided*, That no part of such funds shall be used for per capita payments.

Cemeteries,
shrines, etc.,
relocation.

SEC. 5. The Secretary of the Army, out of funds appropriated for the Allegheny Reservoir project other than funds provided by this Act, is authorized and directed to relocate and reestablish within the Allegany Reservation such Indian cemeteries, tribal monuments, graves, and shrines inside the taking area as the Seneca Nation or the next of kin shall select and designate: *Provided*, That reinterment of individual remains, though not entire cemeteries, outside the boundaries of the Allegany Reservation also is authorized if so desired by the next of kin, but in such event reinterment to a site which exceeds the equivalent distance from the disinterment site to the farthest point at which reinterment could be made within the reservation boundaries will be made only if the next of kin agrees to pay the added cost: *And provided further*, That the Secretary of the Army is authorized and directed to provide a trust fund in an amount computed on the basis of \$14.40 for each reinterment for the perpetual care and maintenance of the graves for the reinterments at the two cemetery relocation sites selected by the Seneca Nation.

Minerals, res-
ervation.

SEC. 6. All minerals of any kind whatsoever, including oil and gas and sand and gravel, within the areas subjected to the interests in land acquired by the United States as set forth in section 1 of this Act, are hereby reserved to the Seneca Nation: *Provided*, That the exploration and development of such minerals, including oil and gas and sand and gravel, within the taking areas shall be consistent with said interests in land and subject to all reasonable regulations of the Secretary of the Army necessary for the protection of the Allegheny Reservoir project.

SEC. 7. Members of the Seneca Nation shall have the right without charge to remain on and use the lands subject to the interests in land acquired by the United States as set forth in section 1 of this Act until required to vacate at such times as may be fixed by the Secretary of the Army with the approval of the Secretary of the Interior and after consultation with the Seneca Nation: *Provided*, That the time for vacating in any event will not extend beyond January 1, 1965, unless the Secretary of the Army otherwise permits.

Harvest of
crops, etc.

SEC. 8. Up to sixty days before the date for vacating in accordance with section 7, the Seneca Nation on its common lands within the taking area for the Allegheny Reservoir project, and individual Seneca Indians on lands in which they have an interest as shown on the sched-

ules described in section 3 (a) and (c) of this Act, shall have the right, without charge, to harvest crops, to cut and remove all timber, to mine and remove sand and gravel, and to salvage improvements: *Provided*, That if such rights are not exercised or are waived by said individual Seneca Indians within the time prescribed, the nation shall have an additional thirty days within which to exercise their rights on its own behalf: *Provided further*, That the crops harvested, the timber cut, the sand and gravel removed, and the salvage permitted by this section shall not be construed to be compensation.

SEC. 9. The Seneca Nation shall have the right to use and occupy the taking area of the Allegheny Reservoir project within the Allegheny Reservation for all purposes not inconsistent with the interests in land acquired by the United States as set forth in section 1 of this Act, including, but not limited to, the right to lease such lands for farming and grazing purposes to members or nonmembers of the nation, the power to dispose of all minerals reserved under section 6 of this Act, the right to hunt and fish on such lands, and to license hunting and fishing by nonmembers of the nation and the right to regulate access to the shoreline of the reservoir: *Provided*, That public access to the shoreline shall be provided and no charge shall be made to the public therefor: *And provided further*, That the use by the public of the water areas of the Allegheny Reservoir project shall be pursuant to such rules and regulations as the Secretary of the Army may prescribe.

SEC. 10. The Secretary of the Treasury, upon certification by the Secretary of the Interior, shall reimburse the Seneca Nation for all fees and expenses incurred in relation to the Allegheny Reservoir project, including the cost of engineering and appraising services: *Provided*, That not more than \$250,000 is authorized to be appropriated for such reimbursable fees and expenses: *And provided further*, That attorney fees shall be paid under the terms of a contract approved by the Secretary of the Interior.

SEC. 11. (a) Any individual Seneca Indian who accepts the payment tendered to him pursuant to section 3(a) shall be deemed to waive and release any further claims, rights, or demands in his own name arising out of the taking of interests in land as set forth in section 1 of this Act. Any individual Seneca Indian who accepts the payment tendered to him pursuant to section 3(c) shall be deemed to waive and release any further claims, rights, or demands in his own name arising out of the taking of houses, barns, fences, wells, and other structures and improvements under this Act.

Acceptance of
payment.
Waiver of
claims.

(b) Any individual Seneca Indian who has been duly tendered payment in accordance with the schedules prepared pursuant to section 3 (a) and (c) of this Act shall have the right to reject either or both of the sums so tendered by filing a notice of rejection with the Seneca Nation, Salamanca, New York, the district engineer, United States Army Engineer District, Pittsburgh, Pennsylvania, and the United States attorney for the western district of New York, Buffalo, New York, within ninety days after the tender is made.

(c) For the purposes of this section, the Secretary of the Interior is authorized to represent any individual Seneca Indian entitled to payment who is a minor, or under any other legal disability, or who cannot be located after a reasonable and diligent search.

SEC. 12. (a) Any individual Seneca Indian who, pursuant to section 11(b) of this Act, rejects a sum tendered in payment under section 3 (a) or (c), or both, shall have the right to litigate the issue of just compensation in the United States District Court for the Western District of New York. The court shall, except as otherwise expressly provided herein, determine just compensation in accordance with the

Compensation de-
termined by court.

laws and procedures applicable to the determination of just compensation in condemnation proceedings in the Federal courts. No court or statutory costs, but all other costs and expenses, including attorney's fees, shall be at the contesting individual's expense.

(b) Where the sum rejected by an individual Seneca Indian has been tendered under section 3(a) of this Act, and the United States has instituted condemnation proceedings, the Seneca Nation within sixty days shall deposit in court the total amount paid to it pursuant to section 2(a), less any credit given the United States under section 2(e), for the interests in land acquired by the United States which are the subject of the contesting individual's claims. Any excess of the sum so deposited over the amount finally determined as just compensation for the interests in land, if any, of the contesting individual shall be paid back to the Seneca Nation. If the amount finally determined as just compensation for all interests in land acquired by the United States which are the subject of the contesting individual's claim exceeds the sum deposited by the Seneca Nation, the difference shall be paid into court by the United States, and the total amount so paid and deposited shall be distributed as directed by the court.

(c) Where the sum rejected by an individual Seneca Indian has been tendered under section 3(c) of this Act, and the issue of just compensation is litigated, the United States shall not assert as a defense that any interest in the property is owned by the Seneca Nation.

(d) For the purposes of this section, any individual Seneca Indian eligible to file suit, who is a minor or under any other legal disability, shall be represented by his legal guardian or, if no guardian has been appointed, by an attorney appointed by the Court.

SEC. 13. The Secretary of the Interior is hereby authorized, with the funds provided under section 4 of this Act, to purchase or to acquire through condemnation proceedings lands, and interests in lands, within the Allegany Reservation, for the relocation of houses and community facilities or for recreational, commercial, or industrial development. Any lands or interests in lands so acquired shall have the same legal status as other lands within the reservation.

SEC. 14. The interests in land required for the Allegheny Reservoir project within the Allegany Indian Reservation are generally identified and delineated on a map entitled "Allegheny River Basin, Allegheny Reservoir, New York, General Map". Detailed legal descriptions of the lands shown thereon, together with tract maps, are or shall be filed in condemnation proceedings which have been instituted by the United States in the United States District Court for the Western District of New York for the acquisition of easements, interests in land, and other property within the Allegany Indian Reservation. The estates taken shall be as specifically set forth in the complaints filed in said proceedings, except insofar as the court may determine that the condemnation by the United States of any easement, interest in land, or other property identified therein for the construction of a limited access highway to be made a part of the New York State Southern Tier Expressway has not been authorized, in which event said estate shall not be taken. Copies of the final decree and other appropriate papers in said condemnation proceedings setting forth legal descriptions of the lands and the estates taken, together with identifying tract maps, shall be filed among the land records of the Bureau of Indian Affairs in Washington, District of Columbia, and recorded in the office of the county clerk of Cattaraugus County, New York. A true and correct copy of said papers shall be furnished by the Secretary of the Army without cost to the Seneca Nation.

Land acquisition for relocation purposes.

Land descriptions, recording.

SEC. 15. Upon a determination by the Secretary of the Army that all or part of the interests in land acquired as set forth in section 1 of this Act no longer are necessary for purposes of the Allegheny Reservoir project, all right, title, and interests in such lands shall thereupon vest in the Seneca Nation.

SEC. 16. No part of any expenditures made by the United States under any of the provisions of this Act shall be charged by the United States as an offset or counterclaim against any claim of the Seneca Nation against the United States other than claims arising out of the acquisition of interests in land for the Allegheny Reservoir project.

SEC. 17. All funds authorized by this Act paid to the Seneca Nation and individual Seneca Indians shall be exempt from all forms of State and Federal income taxes.

Tax exemption.

SEC. 18. Except as specifically required to carry out the provisions of this Act, the Department of the Interior shall not enlarge the services which it is now in fact rendering to, or the supervision which it is now in fact exercising over the property and affairs of, the Seneca Nation and its members pursuant to the laws of the United States relating to Indians and Indian tribes. The Secretary of the Interior shall, after consultation with the Seneca Nation, submit to the Congress a plan for complete withdrawal of Federal supervision over the property and affairs of the Nation and its members. Said plan shall be submitted within three years from the effective date of this Act.

Federal supervision, withdrawal.

Report to Congress.

Approved August 31, 1964.

Public Law 88-534

AN ACT

To amend section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes.

August 31, 1964
[H. R. 9178]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the seventh and eighth sentences of section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590h(b)), are deleted and the following inserted in lieu thereof: "Farmers within any such local administrative area, and participating or cooperating in programs administered within such area, shall elect annually from among their number a local committee of not more than three members for such area. The members of the local committees shall, in a county convention, nominate and elect a county committee which shall consist of three members who are farmers in the county. At the first county convention held on or after the effective date of this sentence, one member of the county committee shall be elected for one year; one member shall be elected for two years; and one member shall be elected for three years. Thereafter, each member of a county committee shall be elected for a term of three years. No member of the county committee shall be elected for more than three consecutive terms (exclusive of any term which began prior to the effective date of this sentence)."

Agriculture.
County committee systems.
52 Stat. 31.

SEC. 2. Section 503 of the Act of August 26, 1954 (68 Stat. 908; 16 U.S.C. 590h-3), is repealed.

Repeal.

SEC. 3. Section 1 of this Act shall become effective for elections of committeemen held on or after January 1, 1965.

Effective date.

Approved August 31, 1964.

Public Law 88-535

August 31, 1964
[H. R. 9425]

AN ACT

To amend title 13, United States Code, to authorize reimbursement of census enumerators for certain telephone tolls and charges.

Census enumerators.
Telephone tolls.
74 Stat. 911.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 24 of title 13, United States Code, is amended by adding at the end thereof the following new subsection:

“(f) Notwithstanding any other provision of law prohibiting the expenditure of public money for telephone service, the Secretary, under such regulations as he shall prescribe, may authorize reimbursement for tolls or charges for telephone service from private residences or private apartments to the extent such charges are determined by the Secretary to have been incurred to facilitate the collection of information in connection with the censuses and surveys authorized by this title.”

Approved August 31, 1964.

Public Law 88-536

August 31, 1964
[H. R. 8135]

AN ACT

To provide for the establishment and administration of public recreational facilities at the Sanford Reservoir area, Canadian River project, Texas, and for other purposes.

Texas.
Sanford Reservoir area, recreational facilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to investigate, plan, construct, operate and maintain, or otherwise provide for basic public outdoor recreation facilities at the Sanford Reservoir area, Canadian Federal reclamation project, to acquire or otherwise include within the project area such adjacent lands or interests therein as are necessary for present or future public recreation use, and to provide for the public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with other project purposes: *Provided,* That this Act shall not provide the Secretary with a basis for allocation to recreation of water, reservoir capacity, or joint project costs of the Canadian River project nor affect the priority for municipal use of water stored in Sanford Reservoir, or the priority of use for municipal purposes of the capacity of said reservoir. The Secretary is authorized to enter into agreements with Federal agencies or State or local public bodies for the operation, maintenance, or additional development of project lands or facilities, or to dispose of project lands or facilities to Federal agencies or State or local public bodies by lease, transfer, conveyance or exchange upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes. The cost of providing basic recreation facilities shall be nonreimbursable. In carrying out the aforesaid activities the Secretary shall take cognizance of the effect of the fish and wildlife plan approved by the President December 19, 1962, pursuant to the Act of December 29, 1950 (64 Stat. 1124) in providing facilities at the Canadian River project which have general recreation utility.

Operation, maintenance, etc.; agreements.

43 USC 600b, 600c.

Appropriation.

SEC. 2. There are authorized to be appropriated such amounts, but not more than \$1,100,000, as may be necessary for the investigation, preparation of plans, construction and acquisition of lands authorized in this Act.

Approved August 31, 1964.

Public Law 88-537

AN ACT

August 31, 1964
[H. R. 7588]

To provide for enforcement of rules and regulations for the protection, development, and administration of the national forests and national grasslands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 4, 1897, as amended (30 Stat. 11, 35; 16 U.S.C. 551), second full paragraph, page 35, and section 32(f), title III, of the Bankhead-Jones Farm Tenant Act, as amended (50 Stat. 526; 7 U.S.C. 1011(f)), are further amended by addition of the following sentence in each case: "Any person charged with the violation of such rules and regulations may be tried and sentenced by any United States commissioner specially designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in title 18, United States Code, section 3401, subsections (b), (c), (d), and (e), as amended."

Forest and
grasslands.
Protection.

62 Stat. 830.

Approved August 31, 1964.

Public Law 88-538

AN ACT

August 31, 1964
[H. R. 11211]

To provide authority for the payment of certain amounts to offset certain expenses of Federal employees assigned to duty on the California offshore islands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 1765 of the Revised Statutes (5 U.S.C. 70), each employee of the United States who is assigned to duty, other than temporary duty, on one of the California offshore islands shall be paid, in addition to compensation otherwise due him, an allowance of not to exceed \$10 per day: *Provided,* That such allowance shall be paid only in accordance with regulations prescribed by the President establishing the rates at which such allowance will be paid, and defining the areas and groups of positions to which such rates shall apply.

California off-
shore islands.
Federal employ-
ees.

SEC. 2. (a) Each employee or former employee of the Department of the Navy who was erroneously paid per diem in lieu of subsistence under section 3 of the Travel Expense Act of 1949 (5 U.S.C. 836), for the period he was assigned to one of the California offshore islands as his principal place of duty, is relieved of all liability to refund to the United States the amounts of per diem in lieu of subsistence so paid.

63 Stat. 166;
75 Stat. 339, 340.

(b) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the employee, former employee, or other appropriate party concerned, in accordance with law, all amounts paid by or withheld from amounts otherwise due an employee or former employee of the Department of the Navy in complete or partial satisfaction of his liability to the United States for which relief has been granted by section 2 of this Act.

Appropriation.

SEC. 3. In accordance with regulations issued under the first section of this Act, the allowance authorized by such section may be made retroactively effective from the date erroneous payments of per diem in lieu of subsistence were discontinued as a result of the decision of the Comptroller General of the United States dated May 4, 1964 (B-153571).

Effective date.

Approved August 31, 1964.

Public Law 88-539

August 31, 1964
[H. R. 98]

AN ACT

To amend the Internal Revenue Code of 1954 with respect to exportation of imported distilled spirits, wines, and beer, and with respect to the total contract price of sales of personal property on the installment plan.

Distilled
spirits.
Tax refund.
72 Stat. 1336.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5062 of the Internal Revenue Code of 1954 (26 U.S.C. 5062) is amended by adding at the end thereof a new subsection (c) as follows:

“(c) EXPORTATION OF IMPORTED LIQUORS.—

“(1) ALLOWANCE OF TAX.—Upon the exportation of imported distilled spirits, wines, and beer upon which the duties and internal revenue taxes have been paid or determined incident to their importation into the United States, and which have been found after entry to be unmerchantable or not to conform to sample or specifications, and which have been returned to customs custody within six months of their release therefrom, the Secretary or his delegate shall, under such regulations as he shall prescribe, refund, remit, abate, or credit, without interest, to the importer thereof, the full amount of the internal revenue taxes paid or determined with respect to such distilled spirits, wines, or beer.

“(2) DESTRUCTION IN LIEU OF EXPORTATION.—At the option of the importer, such imported distilled spirits, wines, and beer, after return to customs custody, may be destroyed under customs supervision and the importer thereof granted relief in the same manner and to the same extent as provided in this subsection upon exportation.”

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles exported or destroyed after the date of the enactment of this Act.

SEC. 3. (a) Section 453(a) of the Internal Revenue Code of 1954 (relating to dealers in personal property) is amended to read as follows:

“(a) DEALERS IN PERSONAL PROPERTY.—

“(1) IN GENERAL.—Under regulations prescribed by the Secretary or his delegate, a person who regularly sells or otherwise disposes of personal property on the installment plan may return as income therefrom in any taxable year that proportion of the installment payments actually received in that year which the gross profit, realized or to be realized when payment is completed, bears to the total contract price.

“(2) TOTAL CONTRACT PRICE.—For purposes of paragraph (1), the total contract price of all sales of personal property on the installment plan includes the amount of carrying charges or interest which is determined with respect to such sales and is added on the books of account of the seller to the established cash selling price of such property. This paragraph shall not apply with respect to sales of personal property under a revolving credit type plan or with respect to sales or other dispositions of property the income from which is, under subsection (b), returned on the basis and in the manner prescribed in paragraph (1).”

(b) Section 453(e) of such Code (relating to revolving credit type plans) is amended to read as follows:

“(e) CARRYING CHARGES NOT INCLUDED IN TOTAL CONTRACT PRICE.—If the carrying charges or interest with respect to sales of personal property, the income from which is returned under subsection

Personal prop-
erty, installment
plan reporting.
68A Stat. 154.
26 USC 453.

Revolving credit
type plans.
Ante, p. 75.

(a)(1), is not included in the total contract price, payments received with respect to such sales shall be treated as applying first against such carrying charges or interest. This subsection shall not apply with respect to sales or other dispositions of property the income from which is, under subsection (b), returned on the basis and in the manner prescribed in subsection (a)(1)."

(c) The amendment made by subsection (a) shall apply in respect to sales made in taxable years beginning on or after January 1, 1960. The amendment made by subsection (b) shall apply in respect of sales made during taxable years beginning after December 31, 1963.

Approved August 31, 1964.

Public Law 88-540

AN ACT

To amend the Act entitled "An Act to authorize the purchase, sale, and exchange of certain Indian lands on the Yakima Indian Reservation, and for other purposes", approved July 28, 1955.

August 31, 1964
[H. R. 5837]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to authorize the purchase, sale, and exchange of certain Indian lands on the Yakima Reservation, and for other purposes", approved July 28, 1955, is amended to read as follows:

Yakima Indian
Reservation.
Land purchase.

69 Stat. 392.
25 USC 608-608c.

"That (a) the Secretary of the Interior is authorized, in his discretion, to—

"(1) purchase for the Yakima Tribes, with any funds of such tribes, and to otherwise acquire by gift, exchange, or relinquishment, any lands or interest in lands or improvements thereon within the Yakima Indian Reservation or within the area ceded to the United States by the treaty of June 9, 1855;

12 Stat. 951.

"(2) sell or approve sales of any tribal trust lands, any interest therein or improvements thereon, such sales being limited to agencies of the Federal, State, or local governments for recreational, educational, civic, or other public purposes, and to individual members of the tribes;

"(3) exchange any tribal trust lands, including interests therein or improvements thereon, for any lands situated within such reservation or the area ceded to the United States by the treaty of June 9, 1855; and

"(b) Where lands are held in multiple ownership, the Secretary is authorized to sell and exchange such lands to other Indians or the Yakima Tribes only if the sale or exchange is authorized in writing by the owners of at least a majority interest in such lands; except that no greater percentage of approval of individual Indians shall be required under this Act than in any other statute of general application approved by Congress.

"(c) In all cases in which the Secretary is acquiring for the Yakima Tribes lands or interests in lands presently held in trust or under restrictions for the benefit of an individual Indian, title shall be taken in the name of the United States in trust for the Yakima Tribes. In all cases in which land being purchased is presently held by the grantor in fee simple, title shall be taken for and held by the Yakima Tribes in fee and such land shall not, by reason of its being owned by the tribes, be exempt from taxation in accordance with the laws of the State of Washington.

"(d) The Secretary shall obtain the advice and consent of the Yakima tribal council before entering into any of the above transactions involving the acquisition or disposition of tribal land. The

terms and conditions of any such transaction, including the price at which any land is so purchased or sold and the valuation of any lands so exchanged, shall be mutually agreed upon by the Secretary, the Yakima tribal council, and the individual Indian or Indians concerned. Any such exchange of lands shall be effected on the basis of approximately equal consideration with due allowance for the value of improvements in determining the value of such lands."

SEC. 2. The first sentence of subsection 2(a) of such Act is repealed.

SEC. 3. Subsection 3(b) of such Act is repealed.

Approved August 31, 1964.

Public Law 88-541

August 31, 1964
[H. R. 3071]

AN ACT

To provide for the establishment of Fort Larned as a national historic site, and for other purposes.

Fort Larned Na-
tional Historic
Site.
Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to commemorate the significant role played by Fort Larned in the opening of the West, the Secretary of Interior may acquire on behalf of the United States by gift, purchase, or other means not more than seven hundred and fifty acres of land, or interests in land, which comprise the site and remaining historic structures of Fort Larned, located in Pawnee County, Kansas, or which he deems necessary to accomplish the purposes of this Act, including nearby remains of the Santa Fe Trail. The land acquired by the Secretary shall be known as the Fort Larned National Historic Site, and shall be administered in accordance with the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented: *Provided*, That establishment of such national historic site shall not become effective until the historic remains of old Fort Larned and adjoining historically significant lands have been acquired.

Publication in
Federal Register.

SEC. 2. Notice of the boundaries of the site shall be published in the Federal Register.

Appropriation.

SEC. 3. There are hereby authorized to be appropriated such sums, but not more than \$1,273,000 for acquisition and development costs, as are necessary to carry out the purposes of this Act.

Approved August 31, 1964.

Public Law 88-542

August 31, 1964
[H. R. 8344]

AN ACT

To amend the Railway Labor Act to provide that the terms of office of members of the National Mediation Board shall expire on July 1.

National Medi-
ation Board.
Terms of office.
44 Stat. 579.
45 USC 154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of the initial paragraph of section 4 of the Railway Labor Act is amended to read as follows: "Each member of the Mediation Board in office on January 1, 1965, shall be deemed to have been appointed for a term of office which shall expire on July 1 of the year his term would have otherwise expired." Such paragraph is further amended by inserting at the end thereof the following new sentence: "Upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified."

Approved August 31, 1964.

Public Law 88-543

AN ACT

To authorize establishment of the Saint-Gaudens National Historic Site, New Hampshire, and for other purposes.

August 31, 1964
[H. R. 4018]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership historically significant properties associated with the life and cultural achievements of Augustus Saint-Gaudens, the Secretary of the Interior may acquire, by donation from the Saint-Gaudens Memorial, a corporation, the sites and structures comprising the Saint-Gaudens Memorial situated at Cornish, New Hampshire, and by donation or purchase with donated funds not to exceed three acres of adjacent lands which the Secretary of the Interior deems necessary for the purposes of this Act, together with any works of art, furnishings, reproductions, and other properties within the structures and on the memorial grounds.

Saint-Gaudens
National Historic
Site, N. H.
Establishment.

SEC. 2. (a) In accordance with the Act entitled "An Act to create a National Park Trust Fund Board, and for other purposes", approved July 10, 1935 (49 Stat. 477), as amended, the National Park Trust Fund Board may accept from the Saint-Gaudens Memorial the amount of \$100,000 and such additional amounts as the corporation may tender from time to time from the endowment funds under its control, which funds, when accepted, shall be utilized only for the purposes of the historic site established pursuant to this Act.

16 USC 19-19c.

(b) Nothing in this Act shall limit the authority of the Secretary of the Interior under other provisions of law to accept donations of property in the name of the United States.

SEC. 3. When the sites, structures, and other properties authorized for acquisition under the first section of this Act and endowment funds in the amount of \$100,000 have been transferred to the United States, the Secretary of the Interior shall establish the Saint-Gaudens National Historic Site by publication of notice thereof in the Federal Register.

Publication in
Federal Register.

SEC. 4. (a) The Secretary of the Interior shall administer, protect, develop, and maintain the Saint-Gaudens National Historic Site subject to the provisions of this Act and in accordance with the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the provisions of the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666).

67 Stat. 495.
16 USC 1 et seq.

(b) In order that the Saint-Gaudens National Historic Site may achieve more effectively its purpose as a living memorial, the Secretary of the Interior is authorized to cooperate with the Saint-Gaudens Memorial, the American Academy of Arts and Letters, and other organizations and groups in the presentation of art expositions and festivals and other appropriate events that are traditional to the site.

16 USC 461-
467.

SEC. 5. The Saint-Gaudens Memorial having by its active interest preserved for posterity this important site, its structures, objects, and cultural values, the executive committee thereof shall, upon establishment of the Saint-Gaudens National Historic Site, serve in an advisory capacity to the Secretary of the Interior in matters relating to its preservation, development, and use.

SEC. 6. There are hereby authorized to be appropriated such sums, but not more than \$210,000 for development, as may be necessary to carry out the purposes of this Act.

Appropriation.

Approved August 31, 1964.

Public Law 88-544

August 31, 1964
[H. R. 4242]

AN ACT

To provide for the release and transfer of all right, title, and interest of the United States of America in and to certain tracts of land in Pender County, North Carolina.

Pender County,
North Carolina.
Lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed, subject to the requirements of section 3 of this Act, to take such action as may be necessary to release and transfer, by quitclaim deed or otherwise to the Board of Education of Pender County, North Carolina, all right, title, and interest retained by the United States of America in and to five parcels or tracts of land and the improvements thereon located in Pender County, North Carolina, conveyed to the said board of education, and more particularly described in the following deeds from the United States of America and the Penderlea Farms Homestead Association, Incorporated, listed in section 2 of this Act.

SEC. 2. The deeds referred to in the first section of this Act are the following:

(1) The quitclaim deed, dated September 22, 1941, and recorded in book 249, page 397, of the Pender County Registry, Pender County, North Carolina, from the Penderlea Farms Homestead Association, Incorporated, to the County Board of Education of Pender County, North Carolina, conveying .430 acres, more or less, and the improvements thereon.

(2) The quitclaim deed, dated December 6, 1941, and recorded in book 229, page 605, of the Pender County Register, Pender County, North Carolina, from the United States of America to the County Board of Education of Pender County, North Carolina, conveying 23.663 acres, more or less, and the improvements thereon.

(3) The correction deed, dated October 24, 1946, and recorded in book 262, page 340, of the Pender County Registry, Pender County, North Carolina, from the United States of America to the County Board of Education of Pender County, North Carolina, conveying 23.663 and .78 acres, more or less, and the improvements thereon.

(4) The quitclaim deed, dated June 13, 1945, and recorded in book 255, page 573, of the Pender County Registry, Pender County, North Carolina, from the United States of America to the Board of Education of Pender County, North Carolina, conveying 9.282 acres, more or less, and the improvements thereon.

(5) The quitclaim deed, dated January 18, 1946, and recorded in book 257, page 436, of the Pender County Registry, Pender County, North Carolina, from the United States of America to the Pender County Board of Education, conveying 2.584 acres, more or less.

SEC. 3. No conveyance shall be made under this Act unless the Board of Education of Pender County, North Carolina, pays to the Secretary of Agriculture within one year after notification thereof, the sum of (a) the fair market value of the mineral interests conveyed under this Act, as determined by the Secretary of Agriculture as of the effective date of this Act; and (b) such amount as may be fixed by the Secretary of Agriculture to reimburse the United States for the administrative costs of the conveyance under this Act.

Approved August 31, 1964.

Public Law 88-545

AN ACT

August 31, 1964
[H. R. 4149]

To provide for the satisfaction of claims arising out of scrip, lieu selection, and similar rights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, except for military bounty land warrants, all claims and holdings recorded under the Act of August 5, 1955 (69 Stat. 534, 535), which are not satisfied in one of the ways hereafter set forth, shall become null and void on the later of the two following dates: (a) January 1, 1970, or, in the case of soldiers' additional homestead claims, January 1, 1975; (b) at the termination of any transaction initiated pursuant to this Act.

Land scrip
rights.
Claims.
43 USC 274
note.

SEC. 2. Prior to July 1, 1966, holders of claims recorded under the Act of August 5, 1955, may apply to the Secretary of the Interior to have conveyed to them, in satisfaction of their claims, such lands as they may, in their applications, designate. The Secretary shall thereafter convey the selected lands if he finds them to be proper, under existing law, for such disposition, and if the claim upon which an application is based is determined to be valid. As used in this Act, the terms "lands" and "land" include any rights or interests therein.

SEC. 3. (a) Prior to January 1, 1967, the Secretary shall classify, for conveyance and exchange for each type of claim recorded under the Act of August 5, 1955, public lands in sufficient quantity so as to provide each holder of such a claim with a reasonable choice of public lands against which to satisfy his claim. The public lands so classified shall be of a value of not less than the average fair market value, determined by the Secretary as of the date patent issued, of those public lands actually conveyed in exchange for each type of claim since August 5, 1955.

(b) Holders of recorded claims may apply for reasonably compact areas of land so classified, and, upon his determination that the claim upon which an application is based is valid, the Secretary shall convey such lands to the applicant.

SEC. 4. Prior to January 1, 1968, the Secretary shall, by registered mail or certified mail sent to the address of record of each person having an unsatisfied claim, offer in satisfaction of such claim lands of a value of not less than the average fair market value of those public lands actually conveyed in exchange for each type of claim since August 5, 1955. Fair market value shall be determined in the manner prescribed in section 3 of this Act. Upon acceptance of the offer, the Secretary shall convey the lands to the claimant, if he determines that the claim is valid.

SEC. 5. In respect of any type of claim recorded under the Act of August 5, 1955, not more than three conveyances of public lands in exchange for which have taken place since that date, the Secretary shall determine the type of claim which it most nearly resembles, and at least four conveyances in exchange for which has taken place since August 5, 1955, and shall, for the purposes of this Act, treat it in all respects as if it were such type of claim.

SEC. 6. Prior to January 1, 1970, or, in the case of soldiers' additional homestead claims, January 1, 1975, any person who has a claim recorded pursuant to the Act of August 5, 1955, by written notice to the Secretary of the Interior, or any officer of the Department of the Interior to whom authority to receive such notice may be delegated, may elect to receive cash instead of public land in satisfaction of his claim, at a rate per acre equal to the average value of the lands offered by the Secretary under section 4 of this Act. Upon a deter-

mination that the claim is valid, the Secretary or his delegate shall certify the claim to the Secretary of the Treasury who is authorized and directed to pay the claim out of any money in the Treasury not otherwise appropriated. Acceptance of the money shall constitute a full and complete satisfaction of the claim or holding for which the money is paid: *Provided*, That no agent or attorney acting on behalf of another to procure a payment under this Act shall demand, accept, or receive more than 10 per centum of the payment made, and any agreement to the contrary shall be null and void.

Approved August 31, 1964.

Public Law 88-546

August 31, 1964
[H. R. 931]

AN ACT

To provide for the establishment of the Allegheny Portage Railroad National Historic Site and the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes.

Allegheny Portage Railroad National Historic Site; Johnstown Flood National Memorial.
Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to establish, as herein provided, the Allegheny Portage Railroad National Historic Site and the Johnstown Flood National Memorial in the State of Pennsylvania. For this purpose the Secretary may designate up to nine hundred and fifty acres of land that may, in his discretion, include portions of the Pennsylvania Canal, the Lemon House, the summit of the Allegheny Portage Railroad, the Skew Arch Bridge, incline planes numbered 6, 7, 8, 9, and 10 and the levels between them, the Portage Railroad tunnel, and such other land and historic features as may be necessary to illustrate the significant role of the Allegheny Portage Railroad and the Pennsylvania Canal in the Nation's history; and he may designate up to fifty-five acres in Cambria County, Pennsylvania, for use in commemorating the tragic Johnstown flood of May 31, 1889.

SEC. 2. Within the areas designated pursuant to section 1, the Secretary is authorized to acquire lands and interests in lands by purchase, donation, purchase with donated funds, or otherwise.

Publication in Federal Register.

SEC. 3. When the Secretary of the Interior has acquired sufficient lands to form administrable park units, he shall publish notice of that fact in the Federal Register and the areas designated pursuant to section 1 shall thereafter be known as the Allegheny Portage Railroad National Historic Site and the Johnstown Flood National Memorial and shall be administered by the Secretary of the Interior pursuant to the provisions of the Act entitled "An Act to establish the National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535), as amended and supplemented.

16 USC 1 et seq.

SEC. 4. To provide for the preservation and interpretation of the remaining portions of the Allegheny Portage Railroad route not included within the national historic site, and to further commemorate the Johnstown flood, the Secretary is authorized to enter into cooperative agreements with the State of Pennsylvania, political subdivisions thereof, corporations, associations, or individuals, and to erect and maintain tablets or markers in accordance with the provisions contained in the Act approved August 21, 1935, entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes" (49 Stat. 666).

16 USC 461-467.
Appropriation.

SEC. 5. There are authorized to be appropriated such sums, but not more than \$2,000,000, for land acquisition and development, as may be necessary to carry out the purposes of this Act.

Approved August 31, 1964.

Public Law 88-547

AN ACT

August 31, 1964
[H. R. 439]

To provide for the establishment of the John Muir National Historic Site in the State of California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may acquire on behalf of the United States the land, improvements thereon, and interests therein situated in the county of Contra Costa, State of California, and described as follows:

John Muir National Historic Site, Calif. Establishment.

Beginning at a point marked by a post that bears south 24 degrees 30 minutes east 257.40 feet from the northwest corner of lot E of division numbered 1 of the Rancho El Pinole; thence north 70 degrees 00 minutes east to a point in the westerly right-of-way line of Alhambra Avenue;

thence southward along the said westerly right-of-way line of Alhambra Avenue to a point on the right-of-way line of the freeway survey delineated in the California State Division of Highways, district IV, appraisal map numbered A-655.34, dated November 21, 1962, said point also being in line with station (28+81') on the "M" line of said freeway survey;

thence following the right-of-way line of said survey south 71 degrees 09 minutes 19 seconds west 2.0 feet to a point;

thence along the said right-of-way line of the freeway survey the following two courses; south 18 degrees 50 minutes 41 seconds east 59.54 feet to a point, on a curve to the right, radius 1,958.0 feet, delta angle 2 degrees 1 minute 6 seconds, a distance of 68.97 feet to a point;

thence south 16 degrees 49 minutes 35 seconds east about 112 feet to a point;

thence south 31 degrees 55 minutes 10 seconds west about 160 feet to a point;

thence south 80 degrees 08 minutes 57 seconds west 741.66 feet to a point;

thence north 77 degrees 12 minutes 60 seconds west 132.68 feet to a point;

thence north 65 degrees 53 minutes 54 seconds west 78.75 feet to a point in the center line of the Franklin Canyon Road;

thence northward along the said center line of the Franklin Canyon Road to a point (which is south 9 degrees 24 minutes east along the center line of Franklin Canyon Road 281.43 feet and thence south 1 degree 50 minutes west 304.98 feet from the point common to the center line of the said Franklin Canyon Road and a north line of that certain 44.87-acre tract of land described in the deed from Daniel L. Parsowith to Pearl Parsowith, dated November 18, 1931, and recorded November 18, 1931, in Volume 290 of official records, at page 359);

thence north 88 degrees 28 minutes 15 seconds east 418.01 feet (north 87 degrees 45 minutes 30 seconds east 421.70 feet-deed), as surveyed by the California State Division of Highways, district IV, appraisal map numbered A-655.34, dated November 21, 1962, to a point in the center of Franklin Creek;

thence north 23 degrees 25 minutes 01 seconds east 121.15 feet (north 23 degrees 30 minutes east 120.56 feet-deed) as surveyed by said California State Division of Highways along Franklin Creek to a point;

thence north 17 degrees 30 minutes east 132 feet continuing along Franklin Creek to a point;

thence leaving Franklin Creek north 70 degrees 0 minutes east 320.10 feet, more or less, to the point of beginning; containing approximately 9.2 acres.

SEC. 2. The property acquired under this Act shall be designated as the John Muir National Historic Site and shall be set aside as a public national memorial to John Muir in recognition of his efforts as a conservationist and a crusader for national parks and reservations. The Secretary of the Interior shall administer, protect, and develop such national historic site in accordance with the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes," approved August 21, 1935 (49 Stat. 666), as amended.

SEC. 3. There is hereby authorized to be appropriated not more than \$300,000 for land acquisition and restoration of the buildings thereon.

Approved August 31, 1964.

Public Law 88-548

August 31, 1964
[H. R. 9638]

AN ACT

To amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of phosphate on the public domain.

Phosphate
leases.

74 Stat. 785.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 27 of the Act of February 25, 1920, as amended (30 U.S.C. 184), is further amended to read as follows:

(c) No person, association, or corporation shall take, hold, own, or control at one time, whether acquired directly from the Secretary under this Act or otherwise, phosphate leases or permits on an aggregate of more than twenty thousand four hundred and eighty acres in the United States.

Approved August 31, 1964.

Public Law 88-549

August 31, 1964
[H. R. 10178]

AN ACT

To authorize the Smithsonian Institution to employ aliens in a scientific or technical capacity.

Smithsonian In-
stitution.
Employment of
aliens.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Smithsonian Institution, subject to adequate security and other investigations as he may determine to be appropriate, and subject further to a prior determination by him that no qualified United States citizen is available for the particular position involved, is authorized to employ and compensate aliens in a scientific or technical capacity at authorized rates of compensation without regard to statutory provisions prohibiting payment of compensation to aliens.

Approved August 31, 1964.

Public Law 88-550

AN ACT

August 31, 1964
[H. R. 11846]

To amend the Act of August 19, 1958, to permit purchase of processed food grain products in addition to purchase of flour and cornmeal and donating the same for certain domestic and foreign purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 19, 1958, is amended to read as follows:

"That at any time Commodity Credit Corporation has any grain available for donation pursuant to clause (3) or (4) of section 416 of the Agricultural Act of 1949, as amended, section 210 of the Agricultural Act of 1956, or title II of the Agricultural Trade Development and Assistance Act, as amended, the Corporation, in lieu of processing all or any part of such grain into human food products, may purchase such processed food products in quantities not to exceed the equivalent of the respective grain available for donation on the date of such purchase and donate such processed food products pursuant to clause (3) or (4) of such section 416, and to such section 210, and make such processed food products available to the President pursuant to such title II, and may sell, without regard to the provisions of section 407 of the Agricultural Act of 1949, as amended, a quantity of the grain equivalent to the processed food products so purchased: *Provided*, That no food product purchased pursuant to the authority contained herein shall constitute less than 50 per centum by weight of the grain from which processed, or contain any additive other than for normal vitamin enrichment, preservative, and bleaching purposes."

Approved August 31, 1964.

Processed food
grain products,
purchase.

72 Stat. 635.

7 USC 1431

note.

7 USC 1431.

7 USC 1859.

7 USC 1721-

1724.

7 USC 1427.

Public Law 88-551

AN ACT

August 31, 1964
[S. 1169]

To authorize a per capita distribution of \$350 from funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Colville Tribe, San Poells-Nespelem Tribe, Okanogan Tribe, Methow Tribe, and Lake Tribe (certain constituent groups of the Confederated Tribes of the Colville Reservation) that were appropriated to pay a judgment of the Indian Claims Commission dated March 1, 1960, in docket numbered 181, and the funds which may be deposited in the Treasury of the United States to the credit of the said constituent groups or any other constituent groups of the Confederated Tribes of the Colville Reservation to pay any judgments arising out of claims presently pending before the Indian Claims Commission and the interest on said judgments, after payment of attorney fees and expenses, shall be credited to the account of the Confederated Tribes of the Colville Reservation and the Secretary of the Interior is authorized and directed to make a per capita distribution from such funds of \$350, to the extent that such funds are available, to each enrolled member of the Confederated Tribes of the Colville Reservation. Any part of such funds distributed per capita to the members of the tribes shall not be subject to Federal or State income tax.

Approved August 31, 1964.

Indians.
Confederated
Tribes of the
Colville Reser-
vation.

Public Law 88-552

August 31, 1964
[S. 1007]

AN ACT

To guarantee electric consumers in the Pacific Northwest first call on electric energy generated at Federal hydroelectric plants in that region and to guarantee electric consumers in other regions reciprocal priority, and for other purposes.

Pacific North-
west.
Federal hydro-
electric plants.
Definitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, as used in this Act—

(a) "Secretary" means the Secretary of the Interior.

(b) "Pacific Northwest" means (1) the region consisting of the States of Oregon and Washington, the State of Montana west of the Continental Divide, and such portions of the States of Nevada, Utah, and Wyoming within the Columbia drainage basin and of the State of Idaho as the Secretary may determine to be within the marketing area of the Federal Columbia River power system, and (2) any contiguous areas, not in excess of seventy-five airline miles from said region, which are a part of the service area of a distribution cooperative which has (i) no generating facilities, and (ii) a distribution system from which it serves both within and without said region.

(c) "Surplus energy" means electric energy generated at Federal hydroelectric plants in the Pacific Northwest which would otherwise be wasted because of the lack of a market therefor in the Pacific Northwest at any established rate.

(d) "Surplus peaking capacity" means electric peaking capacity at Federal hydroelectric plants in the Pacific Northwest for which there is no demand in the Pacific Northwest at any established rate.

(e) "Non-Federal utility" means any utility not owned or controlled by the United States, including any entity (1) which such a utility owns or controls, in whole or in part, or is controlled by, (2) which is controlled by those controlling such utility, or (3) of which such utility is a member.

(f) "Energy requirements of any Pacific Northwest customer" means the full requirements for electric energy of (1) any purchaser from the United States for direct consumption in the Pacific Northwest, and (2) any non-Federal utility in that region in excess of (i) the hydroelectric energy available for its own use from its generating plants in the Pacific Northwest, and (ii) any additional energy available for use in the Pacific Northwest which, under a then existing contract, the utility (A) can obtain at no higher incremental cost than the rate charged by the United States, or (B) is required to accept.

(g) Terms not defined herein shall, unless the context requires otherwise, have the meaning given them in the March 1949 Glossary of Important Power and Rate Terms prepared under the supervision of the Federal Power Commission.

SEC. 2. Subject to the provisions of this Act, the sale, delivery, and exchange of electric energy generated at, and peaking capacity of, Federal hydroelectric plants in the Pacific Northwest for use outside the Pacific Northwest shall be limited to surplus energy and surplus peaking capacity. At least 30 days prior to the execution of any contract for the sale, delivery, or exchange of surplus energy or surplus peaking capacity for use outside the Pacific Northwest, the Secretary shall give the then customers of the Booneville Power Administration written notice that negotiations for such a contract are pending, and thereafter, at any customer's request, make available for its inspection current drafts of the proposed contract.

SEC. 3. (a) Any contract for the sale or exchange of surplus energy for use outside the Pacific Northwest, or as replacement, directly or

Notice to
purchasers.

Deliveries.

indirectly, within the Pacific Northwest for hydroelectric energy delivered for use outside that region by a non-Federal utility, shall provide that the Secretary, after giving the purchaser notice not in excess of sixty days, will not deliver electric energy under such contract whenever it can reasonably be foreseen that such delivery would impair his ability to meet, either at or after the time of such delivery, the energy requirements of any Pacific Northwest customer. The purchaser shall obligate himself not to take delivery of or use any such energy to supply any load under such conditions that discontinuance of deliveries from the Pacific Northwest in sixty days would cause undue hardship to the purchaser or in his territory, and, further, the purchaser shall acknowledge full responsibility if any such hardship occurs. Deliveries by a non-Federal utility from its generating plants in the Pacific Northwest for use on its own distribution system in an area outside but contiguous to the Pacific Northwest (not including any extension of its outside service area by merger or acquisition after the effective date of this Act) shall not be deemed deliveries by such utility for use outside the Pacific Northwest.

(b) Electric energy generated at Federal hydroelectric plants in the Pacific Northwest which can be conserved, for which there is no immediate demand in the Pacific Northwest at any established rate, but for which the Secretary determines there may be a demand in meeting the future requirements of the Pacific Northwest, may be delivered for use outside that region only on a provisional basis under contracts providing that if the Secretary determines at a subsequent time that, by virtue of prior deliveries under such contract, the Secretary is or will be unable to meet the energy requirements of any Pacific Northwest customer, the purchaser will return the full amount of energy delivered to him, or such portion or portions thereof as may be required, at such time or times as may be specified by the Secretary, except that the Secretary shall not require return during the purchaser's daily peak periods. The Secretary shall require the return of the energy provisionally delivered hereunder, to such extent and at such times, as may be necessary to meet demands at any established rate for use within the Pacific Northwest.

(c) Any contract for the disposition of surplus peaking capacity shall provide that (1) the Secretary may terminate the contract upon notice not in excess of sixty months, and (2) the purchaser shall advance or return the energy necessary to supply the peaking capacity, except that the Secretary shall not require such advance or return during the purchaser's daily peak periods. The Secretary may contract for the sale of such energy to the purchaser, in lieu of its return, under the conditions prescribed in subsection (a) of this section.

Contracts.

(d) The Secretary, in making any determination of the energy requirements of any Pacific Northwest customer which is a non-Federal utility having hydroelectric generating facilities, shall exclude any amounts of hydroelectric energy generated in the Pacific Northwest and disposed of outside the Pacific Northwest by the utility which, through reasonable measures, could have been conserved or otherwise kept available for the utility's own needs in the Pacific Northwest. The Secretary may sell the utility as a replacement therefor only what would otherwise be surplus energy.

Limitations.

SEC. 4. Any contract of the Secretary for the sale or exchange of electric energy generated at, or peaking capacity of, Federal hydroelectric plants in marketing areas outside the Pacific Northwest for use within the Pacific Northwest shall be subject to limitations and conditions corresponding to those provided in sections 2 and 3 for any contract for the sale or exchange of hydroelectric energy or peaking

capacity generated within the Pacific Northwest for use outside the Pacific Northwest.

Exchange con-
tracts.

SEC. 5. Without regard to the limitations specified in sections 2 and 3 of this Act, the Secretary may enter into contracts for the exchange with areas other than the Pacific Northwest of (1) surplus energy during the Pacific Northwest storage refill period, (2) any hydroelectric energy during the Pacific Northwest storage refill period which will be returned to the Pacific Northwest in equal amounts during the same Pacific Northwest refill period or the succeeding storage draw-down period, (3) any hydroelectric energy which will be returned to the Pacific Northwest in equal amounts during the same Pacific Northwest storage drawdown period, (4) hydroelectric peaking capacity, or (5) surplus peaking capacity for energy. All benefits from such exchanges, including resulting increases of firm power, shall be shared equitably by the areas involved, having regard to the secondary energy and other contributions made by each.

Transmission
lines.

SEC. 6. Any capacity in Federal transmission lines connecting, either by themselves or with non-Federal lines, a generating plant in the Pacific Northwest or Canada with the other area or with any other area outside the Pacific Northwest, which is not required for the transmission of Federal energy or the energy described in section 9, shall be made available as a carrier for transmission of other electric energy between such areas. The transmission of other electric energy shall be at equitable rates determined by the Secretary, but such rates shall be subject to equitable adjustment at appropriate intervals not less frequently than once in every five years as agreed to by the parties. No contract for the transmission of non-Federal energy on a firm basis shall be affected by any increase, subsequent to the execution of such contract, in the requirements for transmission of Federal energy, the energy described in section 9, or other electric energy.

Rates.

SEC. 7. The Secretary shall offer to amend, without imposing any other requirement as a condition to such amendment, all existing contracts for the sale or exchange of electric power generated at Federal hydroelectric plants in the Pacific Northwest to include, and shall include in all new contracts, provisions giving the purchaser priority on electric power generated at such plants in conformity with the provisions of this Act.

SEC. 8. No electric transmission lines or related facilities shall be constructed by any Federal agency outside the Pacific Northwest for the purpose of transmitting electric energy between the Pacific Northwest and Pacific Southwest, nor shall any arrangement for transmission capacity be executed by any Federal agency for the purpose of financing such lines and related facilities to be constructed by non-Federal entities, except those lines and facilities recommended for Federal construction in the Report of the Secretary of the Interior submitted to Congress on June 24, 1964, as supplemented on July 27, 1964, or as hereafter specifically authorized by Congress: *Provided*, That, except with respect to electric transmission lines and related facilities for the purpose of transmitting electric energy between the two regions above mentioned, nothing herein shall be construed as expanding or diminishing in any way the present authority of the Secretary of the Interior to construct transmission lines to market power and energy.

Nonapplicabil-
ity.

SEC. 9. The provisions of this Act shall not be applicable to (1) the Canyon Ferry project and (2), except as provided in section 6, downstream power benefits to which Canada is entitled under the treaty between Canada and the United States relating to the cooperative development of the water resources of the Columbia River Basin, signed at Washington, January 17, 1961, nor to energy or capacity

disposed of to Canada in any exchange pursuant to paragraph 1 or 2 of article VIII thereof. Nothing in this Act shall be construed to modify the geographical preference of power users in the State of Montana which is established by the Hungry Horse Dam Act (Act of June 4, 1944, 58 Stat. 270), as amended.

Approved August 31, 1964.

43 USC 593a,
593b, and notes.

Public Law 88-553

AN ACT

August 31, 1964
[H. R. 12278]

To authorize the Secretary of the Navy to convey to the city of Sunnyvale, State of California, certain lands in the county of Santa Clara, State of California, in exchange for certain other lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, the Secretary of the Navy, or his designee, is authorized to convey to the city of Sunnyvale, State of California, subject to the terms and conditions hereinafter stated, and to such other terms and conditions as the Secretary of the Navy, or his designee, shall deem to be in the public interest, all right, title, and interest of the United States in and to lands located in the county of Santa Clara, State of California, described substantially as follows:

Sunnyvale, Calif.
Land exchange.

A parcel of land situate in the Rancho Pastoria de las Borregas, Santa Clara County, California, said parcel being a portion of that certain 153.133 acre tract of land described in judgment entered August 26, 1952, in civil action numbered 31783 had in the District Court of the United States in and for the Northern District of California, Southern Division, a copy of said judgment being recorded in book 2477, official records, at page 487, Records of Santa Clara County, and the boundaries of said parcel being described as follows:

Beginning at a granite monument set at the point of intersection of the northerly line of Maude Avenue with the centerline of Mountain View and Alviso Road as said monument is shown on that certain map entitled, "Map of the Partition of Part of the Rancho Pastoria de las Borregas Patented to Martin Murphy, Jr." filed April 29, 1893, in the office of the recorder, Santa Clara County, California, in book G of maps at pages 74 and 75, from said point of beginning; thence,

(1) north 57 degrees 00 minutes 30 seconds east, 54.33 feet to a point in the centerline of Mountain View and Alviso Road; thence

(2) north 15 degrees 21 minutes east, 1,757.62 feet to a point; thence

(3) north 74 degrees 44 minutes 10 seconds west, 432.23 feet to a point; thence

(4) north 16 degrees 24 minutes east, 430.00 feet to a point; thence

(5) north 74 degrees 44 minutes 10 seconds west, 415.16 feet to a point; thence

(6) north 16 degrees 24 minutes east, 555.00 feet to the northerly terminus of the course designated as "(16)" in the aforesaid judgment; thence

(7) south 74 degrees 44 minutes 10 seconds east, along the course designated as "(15)" in the aforesaid judgment, 800.00 feet to a point; thence

(8) south 22 degrees 20 minutes 30 seconds east, 1,877.07 feet to a point in the centerline of Mountain View and Alviso Road, as said road existed in the year 1952; thence along said centerline the following two courses;

(9) north 57 degrees 00 minutes 30 seconds east, 1,898.20 feet; and

(10) north 75 degrees 05 seconds east, 173.08 feet to a point therein; thence crossing said road;

(11) south 15 degrees 55 minutes east, 30.00 feet to a point in the southerly line of said road, said point being the point of curvature of the course next following; thence

(12) northeasterly, on the circumference of a circle, the radius point of which bears south 15 degrees 55 minutes east, 100.00 feet from the point of curvature, through a central angle of 19 degrees 13 minutes 23 seconds an arc distance of 33.55 feet (from the point of curvature, the long chord bears north 83 degrees 41 minutes 41.5 seconds east, 33.39 feet) to a point of tangency; thence nontangentially, and following the easterly and southerly boundaries of the aforesaid 153.133 acre tract, the following six courses:

(13) south 14 degrees 52 minutes west, 2,027.23 feet to a point; thence

(14) north 75 degrees 08 minutes west, 525.95 feet to a point; thence

(15) north 14 degrees 52 minutes east, 192.52 feet to a point; thence

(16) north 75 degrees 08 minutes west, 910.59 feet to a point; thence

(17) south 14 degrees 52 minutes west, 1,095.29 feet to a point in the northerly line of Maude Avenue; thence

(18) north 67 degrees 32 minutes west, along the northerly line of Maude Avenue, 1,208.24 feet to the point of beginning.

Containing within the above-described boundaries, 95.229 acres, more or less.

SEC. 2. In consideration of the conveyance to the city of Sunnyvale by the United States of the aforesaid lands, the city of Sunnyvale shall convey to the United States such lands located in the county of Santa Clara, State of California, which are acceptable to the Secretary of the Navy, or his designee. The city of Sunnyvale shall pay to the United States the difference, if any, between the value of the property so conveyed by the United States, as hereinafter provided, and the fair market value of the lands and interests in lands accepted in exchange therefor. The land conveyed to the city of Sunnyvale shall be used for park or recreational purposes and valued at 50 per centum of its fair market value. The conveyance shall provide that the land be used for park or recreational purposes, and that in the event the land ceases to be used or maintained for park or recreational purposes, the city of Sunnyvale, its grantees or assignees, shall pay to the United States 50 per centum of the then fair market value.

SEC. 3. The Secretary of the Navy, or his designee, is also authorized to accept from the city of Sunnyvale such appropriate interests in other lands as may be considered necessary for protection of the interests of the United States in connection with the exchange.

Approved August 31, 1964.

Public Law 88-554

AN ACT

To continue for a temporary period certain existing rules relating to the deductibility of accrued vacation pay, and for other purposes.

August 31, 1964
[H. R. 10467]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 97 of the Technical Amendments Act of 1958, as amended (26 U.S.C., sec. 162, note), is amended by striking out "January 1, 1965," and inserting in lieu thereof "January 1, 1967,".

Taxes.
Vacation pay,
deductibility.
72 Stat. 1672;
77 Stat. 272.

SEC. 2. (a) For purposes of the tax imposed by section 2001 of the Internal Revenue Code of 1954, the value of the taxable estate of Carbon P. Dubbs, who died on August 21, 1962, shall be determined by deducting from the value of the gross estate of such Carbon P. Dubbs (in addition to all other deductions and exemptions allowed by part IV of subchapter A of chapter 11 of such Code) \$808,147.87, if cash in the amount of \$779,699.17 and household furnishings and equipment with a fair market value of \$28,448.70 are transferred, on or before the sixtieth day after the date of the enactment of this Act, to the Department of State of the United States pursuant to and in accordance with the offer of bequest dated February 19, 1963, from the estate of such Carbon P. Dubbs (accepted by the Secretary of State pursuant to section 1021 of the Foreign Service Act of 1946 (22 U.S.C. 809 (1958)), on June 5, 1963). The deduction provided for in this section shall be treated for purposes of the Internal Revenue Code of 1954 as if it had been provided for under section 2055 of such Code, on August 21, 1962.

68A Stat. 373.
26 USC 2001.

26 USC 2051-
2056.

60 Stat. 1031.

26 USC 2055.

(b) The Commissioner of Internal Revenue is authorized to enter into a closing agreement under section 7121 of the Internal Revenue Code of 1954 to meet and satisfy the condition set forth in subparagraph (B) of the eleventh paragraph of the Agreement, as amended, made as of May 1, 1964, with respect to the probate proceedings relating to the estate of Anna Gould de Talleyrand (entitled "Probate Proceeding, Will of Anna Gould de Talleyrand, Deceased", in the Surrogate's Court of the County of New York, State of New York (file No. P3878-1961)), between the United States of America, the National Trust for Historic Preservation, the First National City Bank of New York, and others. The enactment of this subsection shall constitute approval of such closing agreement and of the allowance of the deductions in computing the taxable estate of Anna Gould de Talleyrand specified in subparagraph (B) of the eleventh paragraph of such Agreement.

26 USC 7121.

SEC. 3. (a) The Secretary of Commerce is authorized and directed to investigate and study the feasibility of imposing taxes on those transit and commuter systems which are the beneficiaries of Federal financial assistance under the Urban Mass Transportation Act of 1964 for the purpose of raising revenues to defray Federal expenditures under such Act.

Transit systems.
Taxation stud-
ies.

Ante, p. 302.

(b) In making the investigation and study under subsection (a), the Secretary of Commerce is authorized to cooperate and consult with appropriate Federal, State, and local government agencies, and with representatives of the transit and commuter service industry and national organizations concerned with mass transportation service.

(c) The costs of making the investigation and study under subsection (a) shall be paid from appropriations available for expenses of the Office of the Secretary of Commerce.

(d) The Secretary of Commerce shall report the results of the investigation and study under subsection (a), together with his recommendations, to the Committee on Finance of the Senate and the Com-

Report to con-
gressional com-
mittees.

mittee on Ways and Means of the House of Representatives at the earliest practicable date, but not later than June 30, 1965.

68A Stat. 99.
26 USC 318.

SEC. 4. (a) Section 318(a) of the Internal Revenue Code of 1954 (relating to constructive ownership of stock) is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

“(2) **ATTRIBUTION FROM PARTNERSHIPS, ESTATES, TRUSTS, AND CORPORATIONS.—**

“(A) **FROM PARTNERSHIPS AND ESTATES.—**Stock owned, directly or indirectly, by or for a partnership or estate shall be considered as owned proportionately by its partners or beneficiaries.

“(B) **FROM TRUSTS.—**

“(i) Stock owned, directly or indirectly, by or for a trust (other than an employees’ trust described in section 401(a) which is exempt from tax under section 501(a)) shall be considered as owned by its beneficiaries in proportion to the actuarial interest of such beneficiaries in such trust.

76 Stat. 809.
26 USC 401.
26 USC 501.

“(ii) Stock owned, directly or indirectly, by or for any portion of a trust of which a person is considered the owner under subpart E of part I of subchapter J (relating to grantors and others treated as substantial owners) shall be considered as owned by such person.

26 USC 671-
678.

“(C) **FROM CORPORATIONS.—**If 50 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, such person shall be considered as owning the stock owned, directly or indirectly, by or for such corporation, in that proportion which the value of the stock which such person so owns bears to the value of all the stock in such corporation.

“(3) **ATTRIBUTION TO PARTNERSHIPS, ESTATES, TRUSTS, AND CORPORATIONS.—**

“(A) **TO PARTNERSHIPS AND ESTATES.—**Stock owned, directly or indirectly, by or for a partner or a beneficiary of an estate shall be considered as owned by the partnership or estate.

“(B) **TO TRUSTS.—**

“(i) Stock owned, directly or indirectly, by or for a beneficiary of a trust (other than an employees’ trust described in section 401(a) which is exempt from tax under section 501(a)) shall be considered as owned by the trust, unless such beneficiary’s interest in the trust is a remote contingent interest. For purposes of this clause, a contingent interest of a beneficiary in a trust shall be considered remote if, under the maximum exercise of discretion by the trustee in favor of such beneficiary, the value of such interest, computed actuarially, is 5 percent or less of the value of the trust property.

“(ii) Stock owned, directly or indirectly, by or for a person who is considered the owner of any portion of a trust under subpart E of part I of subchapter J (relating to grantors and others treated as substantial owners) shall be considered as owned by the trust.

“(C) **TO CORPORATIONS.—**If 50 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, such corporation shall be considered as owning the stock owned, directly or indirectly, by or for such person.

"(4) **OPTIONS.**—If any person has an option to acquire stock, such stock shall be considered as owned by such person. For purposes of this paragraph, an option to acquire such an option, and each one of a series of such options, shall be considered as an option to acquire such stock.

"(5) **OPERATING RULES.**—

"(A) **IN GENERAL.**—Except as provided in subparagraphs (B) and (C), stock constructively owned by a person by reason of the application of paragraph (1), (2), (3), or (4), shall, for purposes of applying paragraphs (1), (2), (3), and (4), be considered as actually owned by such person.

"(B) **MEMBERS OF FAMILY.**—Stock constructively owned by an individual by reason of the application of paragraph (1) shall not be considered as owned by him for purposes of again applying paragraph (1) in order to make another the constructive owner of such stock.

"(C) **PARTNERSHIPS, ESTATES, TRUSTS, AND CORPORATIONS.**—Stock constructively owned by a partnership, estate, trust, or corporation by reason of the application of paragraph (3) shall not be considered as owned by it for purposes of applying paragraph (2) in order to make another the constructive owner of such stock.

"(D) **OPTION RULE IN LIEU OF FAMILY RULE.**—For purposes of this paragraph, if stock may be considered as owned by an individual under paragraph (1) or (4), it shall be considered as owned by him under paragraph (4)."

(b) (1) Section 304(b)(1) (relating to rule for determinations under section 302(b)) and section 304(c)(2) (relating to constructive ownership) of the Internal Revenue Code of 1954 are amended by striking out "section 318(a)(2)(C)" and inserting in lieu thereof "sections 318(a)(2)(C) and 318(a)(3)(C)".

68A Stat. 89.
26 USC 304.

(2) Section 318(b) of such Code (relating to cross-references) is amended by striking out "and" at the end of paragraph (6), by renumbering paragraph (7) as paragraph (8), and by inserting after paragraph (6) the following new paragraph:

26 USC 318.

"(7) section 958(b) (relating to constructive ownership rules with respect to controlled foreign corporations); and"

(3) Section 382(a)(3) of such Code (relating to attribution of ownership) is amended by striking out "section 318(a)(2)(C)" and inserting in lieu thereof "sections 318(a)(2)(C) and 318(a)(3)(C)".

26 USC 382.

(4) Section 856(d) of such Code (relating to rents from real property defined) is amended by striking out "section 318(a)(2)" in the last sentence and inserting in lieu thereof "sections 318(a)(2) and 318(a)(3)".

74 Stat. 1004.
26 USC 856.

(5) Section 958(b) of such Code (relating to constructive ownership) is amended—

76 Stat. 1018.
26 USC 958.

(A) by striking out "the first sentence of subparagraphs (A) and (B), and in applying clause (i) of subparagraph (C)," in paragraph (2) and inserting in lieu thereof "subparagraphs (A), (B), and (C)";

(B) by striking out paragraph (3);

(C) by striking out "(4) In applying clause (i) of subparagraph (C)" and inserting in lieu thereof "(3) In applying subparagraph (C)"; and

(D) by striking out "(5) The second sentence of subparagraphs (A) and (B), and clause (ii) of subparagraph (C), of section 318(a)(2)" and inserting in lieu thereof "(4) Subparagraphs (A), (B), and (C) of section 318(a)(3)".

76 Stat. 1059.
26 USC 6038.

(6) Section 6038(d)(1) of such Code (relating to definition of control) is amended—

Ante, p. 762.

(A) by striking out “the second sentence of subparagraphs (A) and (B), and clause (ii) of subparagraph (C), of section 318 (a)(2)” in subparagraph (A) and inserting in lieu thereof “subparagraphs (A), (B), and (C) of section 318(a)(3)”; and
(B) by striking out “clause (i) of” in subparagraph (B).

26 USC 302, 304.

(c) The amendments made by this section shall take effect on the date of the enactment of this Act, except that, for purposes of sections 302 and 304 of the Internal Revenue Code of 1954, such amendments shall not apply with respect to distributions in payment for stock acquisitions or redemptions, if such acquisitions or redemptions occurred before the date of the enactment of this Act.

Approved August 31, 1964.

Public Law 88-555

JOINT RESOLUTION

August 31, 1964
[H. J. Res. 733]

To designate the powerhouse on Clear Creek at the head of Whiskeytown Reservoir, in the State of California, as Judge Francis Carr Powerhouse.

Clear Creek,
Calif.
Judge Francis
Carr Powerhouse,
designation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the one hundred and thirty thousand kilowatt capacity powerhouse on Clear Creek at the head of Whiskeytown Reservoir shall hereafter be known as Judge Francis Carr Powerhouse in honor of Judge Francis Carr, of Redding, California, a lawyer, judge, public servant, and advocate of reclamation development including the great Central Valley project developed to meet the serious water shortages in the San Joaquin Valley and Sacramento Valley of California. The Secretary of the Interior is hereby directed to place a suitable plaque at the site. Any law, regulation, document, or record of the United States in which such powerhouse is designated or referred to shall be held to refer to such powerhouse under and by the name of Judge Francis Carr Powerhouse.

Approved August 31, 1964.

Public Law 88-556

AN ACT

August 31, 1964
[H. R. 8355]

To amend the Life Insurance Company Act of the District of Columbia (48 Stat. 1145), approved June 19, 1934, as amended.

D.C.
Life Insurance
Act, amendment.
D.C. Code
35-508.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8, chapter III of the Life Insurance Act (48 Stat. 1145) is amended by inserting at the beginning thereof “(a)” and by striking the figure “\$100,000” in the first sentence thereof and inserting in lieu thereof the figure “\$200,000”, and by adding the following subsection:

“(b) No company shall be exempt from the provisions of this section by reason of its having been incorporated in the District or elsewhere prior to the effective date of this subsection, except that in the case of companies authorized in the District of Columbia on (date of passage) and continuously authorized thereafter without any increase or broadening of authority, the minimum capital required of a stock company shall not be increased by this section.”

SEC. 2. (a) Subsection 10(b) (ii) of section 35 of chapter III of the Life Insurance Act of the District of Columbia (48 Stat. 1145) is

75 Stat. 514.
D.C. Code
35-535.

amended to read as follows: "(ii) if such acquisition will not cause the acquiring company's aggregate cost of investments under this paragraph to exceed, in the case of a capital stock company, the amount of capital, surplus, and contingency reserves in excess of \$300,000, or, in the case of a mutual company, the amount of surplus and contingency reserves in excess of \$150,000, and".

(b) Subsection 15(ii) of section 35 of chapter III of such Act is amended by deleting the words "the amount of capital, surplus, and contingency reserves in excess of \$150,000," and substituting therefor the following: "in the case of a capital stock company, the amount of capital, surplus, and contingency reserves in excess of \$300,000 or, in the case of a mutual company, the amount of surplus and contingency reserves in excess of \$150,000,".

74 Stat. 865.

SEC. 3. The first sentence of section 9 of chapter III of the Life Insurance Act (48 Stat. 1145) is amended by striking the words "two-thirds of its stockholders" and inserting in lieu thereof the words "stockholders representing at least two-thirds of the capital stock entitled to vote".

D.C. Code
35-509.

SEC. 4. Section 10 of chapter III of the Life Insurance Act (48 Stat. 1145) is amended by inserting at the beginning thereof "(a)" and by adding the following subsection:

D.C. Code
35-510.

"(b) Subsection (a) hereof shall not be applicable to an amendment of the articles of incorporation providing for an increase of capital stock wherein said amendment provides that said increase will be reserved for issuance for—

"(1) the acquisition of the ownership or control of another insurance company as an affiliate or subsidiary subject to the limitations of subsection 10(b) of section 35 of chapter III of the Life Insurance Act (D.C. Code 35-535 10(b)): *Provided, however,* That no such acquisition shall be consummated until it has been approved or ratified by stockholders representing at least a majority of the capital stock entitled to vote;

"(2) the granting of options to officers or employees of the company to purchase authorized but unissued shares of stock of the company, for such consideration and upon such terms and conditions as may be fixed by the board of directors: *Provided, however,* That (a) at no time shall the number of shares reserved for this purpose exceed, in the aggregate, 5 per centum of the total authorized shares of stock of the company; (b) no more than 10 per centum of the total number of shares authorized to be optioned may be made available to any individual under any and all options issued to him by the company; (c) no option shall be promised or granted (1) to any individual employed by an insurance company authorized to do business in the District of Columbia (other than the company promising or granting the option or a subsidiary of the company promising or granting the option) while that individual is so employed, or (2) to any individual within two years following the termination of his employment with such an insurance company; (d) the option price of shares subject to any such option shall not be less than 95 per centum of the fair market value of such shares at the time the option is granted and shall be not less than the par value of such shares; (e) any such option shall not be transferable except by will or the laws of descent and distribution; (f) any such option shall not be exercisable after the expiration of 10 years from the time the option is granted; or

"(3) the paying of stock dividends:

Provided, That at no time shall the number of shares of reserved unissued stock exceed the number of shares of issued and outstanding shares of stock of said company."

SEC. 5. This Act shall take effect on the first day of the first month which is at least ninety days after its approval.

Effective date.

Approved August 31, 1964.

Public Law 88-557

AN ACT

August 31, 1964
[H. R. 11960]

To authorize the exchange of public domain lands heretofore withdrawn and reserved for the use of the Hanford project of the Atomic Energy Commission, and for other purposes.

Hanford project.
Land exchange.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all interests of the United States in the public domain lands lying south and west of the Columbia River, and within:

- Township 14 north, range 26 east, section 28;
- Township 14 north, range 27 east, section 34;
- Township 13 north, range 25 east, section 14;
- Township 10 north, range 28 east, sections 2, 4, and 10;
- Township 12 north, range 26 east, sections 2, 4, 6, 8, 10, 12, 14, and 18;
- Township 12 north, range 25 east, sections 2, 12, and 14;
- Township 13 north, range 26 east, sections 28, 30, 32, and 34;

Willamette meridian, comprising approximately 10,000 acres, which lands are now withdrawn and reserved for the use of the Hanford project of the Atomic Energy Commission, shall hereafter be held by the Atomic Energy Commission as an agent of and on behalf of the United States, and the Atomic Energy Commission shall exercise all of the authorities with respect thereto as provided in the Atomic Energy Act of 1954, as amended, and the Atomic Energy Community Act of 1955, as amended: *Provided*, That any disposal of such lands pursuant to such Acts shall be subject to valid existing rights in third parties: *Provided further*, That nothing herein shall be deemed to add to, modify, or eliminate any authority of the Commission pursuant to such Acts to dispose of property.

SEC. 2. All lands within the Hanford project lying north and east of the Columbia River and within:

- Township 14 north, range 28 east, sections 18, 19, west half section 20, west half section 29, and sections 30, 31, and 32;
- Township 13 north, range 27 east, sections 1, 12, and 13;
- Township 13 north, range 28 east, sections 5, 6, 7, and 8;

Willamette meridian, that were acquired by the Manhattan Engineering District or by the Atomic Energy Commission and that are now under the administrative control of the Atomic Energy Commission, comprising approximately 7,000 acres, are hereby designated public domain lands of the United States subject to all of the laws and regulations applicable thereto, and are withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and are reserved for the use of the Atomic Energy Commission in connection with its Hanford operations until such withdrawal and reservation are revoked by order of the Secretary of the Interior with the concurrence of the Atomic Energy Commission.

SEC. 3. The Secretary of the Interior and the Atomic Energy Commission may by agreement designate not to exceed 1,920 additional acres of public domain lands reserved for the Hanford project, which shall thereafter be held by the Atomic Energy Commission in accordance with the provisions of section 1 of this Act, and acquired lands of approximately equal value under the administrative control of the Atomic Energy Commission, which shall thereafter be held by the Atomic Energy Commission in accordance with the provisions of section 2 of this Act.

Approved August 31, 1964.

68 Stat. 919.
42 USC 2011
note.

69 Stat. 471.
42 USC 2301
note.

Public Law 88-558

AN ACT

August 31, 1964
[H. R. 6910]

To provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Military Personnel and Civilian Employees' Claims Act of 1964".

Military Personnel and Civilian Employees' Claims Act of 1964.
Definitions.

SEC. 2. As used in this Act—

(1) "agency" includes an executive department, independent establishment, or corporation primarily acting as an instrumentality of the United States, but does not include any contractor with the United States;

(2) "uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; and

(3) "settle" means consider, ascertain, adjust, determine, and dispose of any claim, whether by full or partial allowance or disallowance.

SEC. 3. (a) Under such regulations as the head of an agency may prescribe, he or his designee may settle and pay a claim arising after the effective date of this Act against the United States for not more than \$6,500 made by a member of the uniformed services under the jurisdiction of that agency or by a civilian officer or employee of that agency, for damage to, or loss of, personal property incident to his service. If the claim is substantiated and the possession of that property is determined to be reasonable, useful, or proper under the circumstances, the claim may be paid or the property replaced in kind. This subsection does not apply to claims settled before its enactment.

Limitation.

(b) If a person named in subsection (a) is dead, the head of the agency concerned, or his designee, may settle and pay any claim made by the decedent's surviving (1) spouse, (2) children, (3) father or mother, or both, or (4) brothers or sisters, or both, that arose before, concurrently with, or after the decedent's death and is otherwise covered by subsection (a). Claims of survivors shall be settled and paid in the order named.

Deceased persons.

(c) A claim may be allowed under subsection (a) for damage to, or loss of, property only if—

Conditions.

(1) it is presented in writing within two years after it accrues, except that if the claim accrues in time of war or in time of armed conflict in which any armed force of the United States is engaged or if such a war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not later than two years after that cause ceases to exist, or two years after the war or armed conflict is terminated, whichever is earlier;

(2) it did not occur at quarters occupied by the claimant within the fifty States or the District of Columbia that were not assigned to him or otherwise provided in kind by the United States; or

(3) it was not caused wholly or partly by the negligent or wrongful act of the claimant, his agent, or his employee.

(d) For the purposes of subsection (c) (1), the dates of beginning and ending of an armed conflict are the dates established by concurrent resolution of Congress or by a determination of the President.

(e) The head of each agency shall report once a year to Congress on claims settled under this section during the period covered by the

Report to Congress.

report. The report shall include for each claim the name of the claimant, the amount claimed, and the amount paid.

SEC. 4. Notwithstanding any other provision of law, the settlement of a claim under this Act is final and conclusive.

10 USC 2731-
2736.

SEC. 5. Chapter 163 of title 10, United States Code, is amended, effective two years from the date of this Act, as follows:

70A Stat. 155.

(1) Section 2735 is amended by striking out the figure "2732," and the comma after the figure "2733".

(2) The analysis is amended by striking out the following item:
"2732. Property loss: incident to service; members of Army, Navy, Air Force, or Marine Corps and civilian employees."

Repeals.

(3) Section 2732 is repealed.

SEC. 6. Section 2 of the Act of June 7, 1956, chapter 376 (70 Stat. 255), is repealed.

14 USC 461-511.

SEC. 7. Chapter 13 of title 14, United States Code, is amended, effective two years from the date of this Act, as follows:

(1) The analysis is amended by striking out the following item:

"490. Settlement of claims of military and civilian personnel."

63 Stat. 534;
72 Stat. 832.

(2) Section 490 is repealed.

Approved August 31, 1964.

Public Law 88-559

September 1, 1964
[S. 2961]

AN ACT

To provide for the disposition of the judgment funds on deposit to the credit of the Northern Cheyenne Tribe of the Tongue River Indian Reservation, Montana.

Indians.
Northern Chey-
enne Tribe.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Northern Cheyenne Tribe of Indians of the Tongue River Reservation in the State of Montana that were appropriated by the Act of January 6, 1964 (77 Stat. 857), to pay a judgment by the Indian Claims Commission in docket 329-C, and the interest thereon, after payment of litigation costs, may be advanced or expended for any purpose that will improve the economic and social conditions of the members of the tribe and is authorized by the tribal governing body thereof and approved by the Secretary of the Interior: *Provided*, That no more than \$100 per capita shall be distributed in unsupervised payments. Any part of such funds that is distributed per capita to the members of the tribe shall not be subject to the Federal or State income tax.

Approved September 1, 1964.

Public Law 88-560

AN ACT

September 2, 1964
[S. 3049]

To extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing Act of 1964".

Housing Act of
1964.

TITLE I—AMENDMENTS TO THE NATIONAL HOUSING ACT

TIME LIMIT ON FHA RECOUPMENT OF TITLE I INSURANCE PAYMENTS

SEC. 101. Section 2(g) of the National Housing Act is amended by striking out "after December 31, 1957,".

71 Stat. 297.
12 USC 1703.

MORTGAGE LIMITS FOR HOMES UNDER SECTION 203 PROGRAMS

SEC. 102. (a) Section 203(b)(2) of the National Housing Act is amended by striking out "\$25,000", "\$27,500", "\$27,500", and "\$35,000" and inserting in lieu thereof "\$30,000", "\$32,500", "\$32,500", and "\$37,500", respectively.

12 USC 1709.

(b) Section 203(i) of such Act is amended by striking out "\$9,000" and inserting in lieu thereof "\$11,000".

HOME IMPROVEMENT LOANS OUTSIDE OF URBAN RENEWAL AREAS

SEC. 103. Section 203(k) of the National Housing Act is amended by—

75 Stat. 157.
12 USC 1709.

(1) striking out in clause (2) "economically sound" and inserting in lieu thereof "an acceptable risk";

(2) striking out clause (4) and inserting in lieu thereof the following: "(4) insurance benefits shall be paid in cash out of the Section 203 Home Improvement Account or in debentures executed in the name of such Account"; and

(3) striking out in the third sentence "Debentures issued with respect to loans insured under this subsection shall be issued" and inserting in lieu thereof "Insurance benefits paid with respect to loans insured under this subsection shall be paid".

ADDITIONAL RELIEF FOR HOME MORTGAGORS IN DEFAULT DUE TO CIRCUMSTANCES BEYOND THEIR CONTROL

SEC. 104. (a) Section 204(a) of the National Housing Act is amended by striking out the fourth proviso and inserting in lieu thereof the following: "And provided further, That with respect to any mortgage covering a one-, two-, three-, or four-family residence insured under this Act, if the Commissioner finds, after notice of default, that the default was due to circumstances beyond the control of the mortgagor, he may, upon such terms and conditions as he may prescribe, (1) approve the request of the mortgagee for an extension of the time for the curing of the default and of the time for commencing foreclosure proceedings or for otherwise acquiring title to the mortgaged property to such time as the Commissioner may determine is necessary and desirable to enable the mortgagor to complete the mortgage payments, including an extension of time beyond the stated maturity of the mortgage, and in the event of a subsequent foreclosure or acquisition of the property by other means the Commissioner is authorized to include in the debentures an

73 Stat. 662.
12 USC 1710.

amount equal to any unpaid mortgage interest, or (2) approve a modification of the terms of the mortgage for the purpose of changing the amortization provisions by recasting, over the remaining term of the mortgage or over such longer period as may be approved by the Commissioner, the total unpaid amount then due, as determined by the Commissioner, with the modification to become effective currently or to become effective upon the termination of an agreed-upon extension of the period for curing the default; and the principal amount of the mortgage, as modified, shall be considered to be the 'original principal obligation of the mortgage' as that term is used in this Act for the purpose of computing the total face value of the debentures to be issued or the cash payment to be made by the Commissioner to a mortgagee".

73 Stat. 662.
12 USC 1715u.

(b) Section 230 of such Act is amended by striking out the first sentence and inserting in lieu thereof the following: "Upon receiving notice of the default of any mortgage covering a one-, two-, three-, or four-family residence heretofore or hereafter insured under this Act, the Commissioner, in his discretion and for the purpose of avoiding foreclosure of the mortgage, and notwithstanding the fact that he has previously approved a request of the mortgagee for an extension of the time for curing the default and of the time for commencing foreclosure proceedings or for otherwise acquiring title to the mortgaged property, or has approved a modification of the mortgage for the purpose of changing the amortization provisions by recasting the unpaid balance, may acquire the loan and security therefor upon payment of the insurance benefits in an amount equal to the unpaid principal balance of the loan plus any unpaid mortgage interest plus reimbursement for such costs and attorney's fees as the Commissioner finds were properly incurred in connection with the defaulted mortgage and its assignment to the Commissioner, and for any proper advances theretofore made by the mortgagee under the provisions of the mortgage. After the acquisition of such mortgage by the Commissioner, the mortgagee shall have no further rights, liabilities, or obligations with respect thereto."

CHANGES IN FHA INSURANCE BENEFITS AND SIMPLIFICATION OF PAYMENT PROCEDURES

12 USC 1710.

SEC. 105. (a) Section 204 of the National Housing Act is amended by—

(1) striking out in the third sentence of subsection (a) the words "insurance on the mortgaged property, and any mortgage insurance premiums paid after either of such dates" and inserting in lieu thereof the following: "charges for the administration, operation, maintenance and repair of community-owned property or the maintenance and repair of the mortgaged property, the obligation for which arises out of a covenant filed for record and approved by the Commissioner prior to the insurance of the mortgage, insurance on the mortgaged property, and any mortgage insurance premiums";

(2) inserting after the colon following the second proviso of subsection (a) two additional provisos as follows: "*And provided further*, That with respect to a mortgage accepted for insurance pursuant to a commitment issued on or after the date of enactment of the Housing Act of 1964, the Commissioner may include in debentures or in the cash payment an amount not to exceed the foreclosure, acquisition, and conveyance costs actually paid by the mortgagee and approved by the Commissioner: *And provided further*, That with respect to a mortgage accepted for insurance pursuant to a commitment issued prior to the date of enactment

of the Housing Act of 1964, the Commissioner may, with the consent of the mortgagee (in lieu of issuing a certificate of claim as provided in subsection (e)), include in debentures or in the cash payment, in addition to amounts otherwise allowed for such costs, an amount not to exceed one-third of the total foreclosure, acquisition, and conveyance costs actually paid by the mortgagee and approved by the Commissioner, but in no event may the total allowance for such costs exceed the amount actually paid by the mortgagee:";

(3) striking out "and the payment of insurance premiums" in the third proviso in subsection (a) (as numbered prior to the amendment made by paragraph (2)), and by inserting before the colon at the end of such proviso the following: "*And provided further*, That where the claim is paid in cash there shall be included in the cash payment an amount equivalent to the compensation for loss of debenture interest that would be included in computing debentures if such claim were being paid in debentures";

12 USC 1710.

(4) striking out "\$50" in the second sentence of subsection (c) and inserting in lieu thereof "\$350";

(5) striking out in the second sentence of subsection (d) "except that debentures issued pursuant to the provisions of section 220(f), section 221(g), and section 233 may be dated as of the date the mortgage is assigned (or the property is conveyed) to the Commissioner, and" and inserting in lieu thereof ": *Provided*, That debentures issued pursuant to claims for insurance filed on or after the date of enactment of the Housing Act of 1964 shall be dated as of the date of default or as of such later date as the Commissioner, in his discretion, may establish by regulation. The debentures";

75 Stat. 180.

12 USC 1715k,
1715l, 1715x.

(6) (A) inserting "(1)" after "(e)" in subsection (e); striking out "The certificate" in such subsection and inserting in lieu thereof "Subject to paragraph (2), the certificate"; and adding at the end of such subsection a new paragraph as follows:

52 Stat. 14.
12 USC 1710.

"(2) A certificate of claim shall not be issued and the provisions of paragraph (1) of this subsection shall not be applicable in the case of a mortgage accepted for insurance pursuant to a commitment issued on or after the date of enactment of the Housing Act of 1964.";

(B) striking out "and a certificate of claim" in the second sentence of subsection (a) and inserting in lieu thereof "and (subject to subsection (e) (2)) a certificate of claim";

(7) striking out the first paragraph of subsection (f) and inserting in lieu thereof the following:

"(f) (1) If, after deducting (in such manner and amount as the Commissioner shall determine to be equitable and in accordance with sound accounting practice) the expenses incurred by the Commissioner, the net amount realized from any property conveyed to the Commissioner under this section and the claims assigned therewith exceed the face value of the debentures issued and the cash paid in exchange for such property plus all interest paid on such debentures, such excess shall be divided as follows:";

(8) redesignating the second paragraph of subsection (f) as paragraph (i), and striking out "207; and" at the end of the paragraph and inserting in lieu thereof the following: "207: *Provided*. That on and after the date of enactment of the Housing Act of 1964, any excess remaining after payment to the holder of the full amount of the certificate of claim, together with the accrued interest increment thereon, shall be retained by

the Commissioner and credited to the applicable insurance fund; and”;

(9) redesignating the third paragraph of subsection (f) as paragraph (ii);

(10) designating the last paragraph of subsection (f) as paragraph (2) and inserting the following before the period at the end thereof: “: *Provided*, That the settlement authority created by the Housing Amendments of 1955 shall be terminated with respect to any certificates of claim outstanding as of the date of enactment of the Housing Act of 1964”; and

(11) inserting at the end of subsection (f) a new paragraph as follows:

“(3) With the consent of the holder thereof, the Commissioner is authorized, without awaiting the final liquidation of the Commissioner’s interest in the property, to settle any certificate of claim issued pursuant to subsection (e), with respect to which settlement had not been effected prior to the date of enactment of the Housing Act of 1964, by making payment in cash to the holder thereof of such amount not exceeding the face amount of the certificate of claim, together with the accrued interest thereon, as the Commissioner may consider appropriate: *Provided*, That in any case where the certificate of claim is settled in accordance with the provisions of this paragraph, any amounts realized after the date of enactment of the Housing Act of 1964, in the liquidation of the Commissioner’s interest in the property, shall be retained by the Commissioner and credited to the applicable insurance fund.”

(b) Section 207(g) of such Act is amended by adding at the end thereof the following: “Notwithstanding any other provision of this Act, upon receipt, after the date of enactment of the Housing Act of 1964, of an application for insurance benefits on a mortgage insured under this Act, the Commissioner may terminate the mortgagee’s obligation to pay premium charges on the mortgage.”

(c) (1) Sections 203(k), 220(f)(3), 220(h)(6), and 233(g) of such Act are each amended by adding at the end thereof the following: “If the insurance payment is made in cash, there shall be added to such payment an amount equivalent to the interest which the debentures would have earned, computed to a date to be established pursuant to regulations issued by the Commissioner.”

(2) Section 221(g)(3) of such Act is amended by striking out “; or” at the end thereof and inserting in lieu thereof a period and the following: “If the insurance is paid in cash, there shall be added to such payment an amount equivalent to the interest which the debentures would have earned, computed to a date to be established pursuant to regulations issued by the Commissioner.”

(d) Section 604 of the National Housing Act is amended by—

(1) inserting after the colon following the first proviso in subsection (a) an additional proviso as follows: “*Provided further*, That with respect to any debentures issued on or after the date of enactment of the Housing Act of 1964, the Commissioner may, with the consent of the mortgagee (in lieu of issuing a certificate of claim as provided in subsection (e)), include in debentures, in addition to amounts otherwise allowed for such costs, an amount not to exceed one-third of the total foreclosure, acquisition, and conveyance costs actually paid by the mortgagee and approved by the Commissioner, but in no event may the total allowance for such costs exceed the amount actually paid by the mortgagee.”;

(2) striking out “\$50” in the second sentence of subsection (c) and inserting in lieu thereof “\$350”;

52 Stat. 14.
12 USC 1710.

69 Stat. 635.
12 USC 1426
note.

12 USC 1713.

12 USC 1709,
1715k, 1715x.

75 Stat. 153.
12 USC 1715l.

55 Stat. 58.
12 USC 1739.

(3) striking out “default, and” in the second sentence of subsection (d) and inserting in lieu thereof the following: “default, except that debentures issued pursuant to claims for insurance filed on or after the date of enactment of the Housing Act of 1964, shall be dated as of the date of default or as of such later date as the Commissioner, in his discretion, may establish by regulation. The debentures”;

(4) striking out the first paragraph of subsection (f) and inserting in lieu thereof the following:

55 Stat. 60.
12 USC 1739.

“(f)(1) If, after deducting (in such manner and amount as the Commissioner shall determine to be equitable and in accordance with sound accounting practice) the expenses incurred by the Commissioner, the net amount realized from any property conveyed to the Commissioner under this section and the claims assigned therewith exceed the face value of the debentures issued and the cash paid in exchange for such property plus all interest paid on such debentures, such excess shall be divided as follows:”;

(5) redesignating the second paragraph of subsection (f) as paragraph (i), and striking out “property; and” at the end of the paragraph and inserting in lieu thereof the following: “property: *Provided*, That on and after the date of enactment of the Housing Act of 1964, any excess remaining after payment to the holder of the full amount of the certificate of claim shall be retained by the Commissioner and credited to the War Housing Insurance Fund; and”;

(6) redesignating the third paragraph of subsection (f) as paragraph (ii);

(7) designating the last paragraph of subsection (f) as paragraph (2) and inserting the following before the period at the end thereof: “: *Provided*, That the settlement authority created by the Housing Amendments of 1955 shall be terminated with respect to any certificate of claim outstanding as of the date of enactment of the Housing Act of 1964”; and

69 Stat. 635.
12 USC 1426
note.

(8) inserting at the end of subsection (f) a new paragraph as follows:

“(3) With the consent of the holder thereof, the Commissioner is authorized to settle, without awaiting the final liquidation of the Commissioner’s interest in the property, any certificate of claim issued pursuant to subsection (e), with respect to which a settlement had not been effected prior to the date of enactment of the Housing Act of 1964, by making payment in cash to the holder thereof of such amount, not exceeding the face amount of the certificate of claim, together with the accrued interest increment thereon, as the Commissioner may consider appropriate: *Provided*, That in any case where the certificate of claim is settled in accordance with the provisions of this paragraph, any amounts realized after the date of enactment of the Housing Act of 1964, in the liquidation of the Commissioner’s interest in the property, shall be retained by the Commissioner and credited to the applicable insurance fund.”

(e) Section 904 of such Act is amended by—

65 Stat. 298.
12 USC 1750c.

(1) inserting after the colon following the first proviso in subsection (a) an additional proviso as follows: “*Provided further*, That with respect to any debentures issued on or after the date of enactment of the Housing Act of 1964, the Commissioner may, with the consent of the mortgagee (in lieu of issuing a certificate of claim as provided in subsection (e)), include in debentures, in addition to amounts otherwise allowed for such costs, an amount not to exceed one-third of the total foreclosure, acquisition, and conveyance costs actually paid by the mortgagee and approved

by the Commissioner, but in no event may the total allowance for such costs exceed the amount actually paid by the mortgagee.”;

(2) striking out “\$50” in the second sentence of subsection (c) and inserting in lieu thereof “\$350”; and

(3) striking out “default, and” in the second sentence of subsection (d) and inserting in lieu thereof the following: “default, except that debentures issued pursuant to claims for insurance filed on or after the date of enactment of the Housing Act of 1964 shall be dated as of the date of default or as of such later date as the Commissioner, in his discretion, may establish by regulation. The debentures”.

12 USC 1739,
1750c.

(f) Sections 604 and 904 of such Act are each amended by striking out in the third sentence of subsection (a) “paid after either of such dates”.

MAXIMUM AMOUNT OF SECTION 207 RENTAL HOUSING MORTGAGES

64 Stat. 53.
12 USC 1713.

SEC. 106. Section 207(c)(2) of the National Housing Act is amended by striking out all that follows the first colon and precedes “to mortgages on housing in Alaska”, and inserting in lieu thereof the following: “*Provided*, That this limitation shall not apply”.

FAMILY UNIT LIMITS ON FHA RENTAL HOUSING

70 Stat. 1092.

SEC. 107. (a) Section 207(c)(3) of the National Housing Act is amended by striking out the first paragraph and inserting in lieu thereof the following:

“(3) not to exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), \$9,000 per family unit without a bedroom, \$12,500 per family unit with one bedroom, \$15,000 per family unit with two bedrooms, and \$18,500 per family unit with three or more bedrooms or not to exceed \$1,800 per space or \$500,000 per mortgage for trailer courts or parks; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed \$10,500 per family unit without a bedroom, \$15,000 per family unit with one bedroom, \$18,000 per family unit with two bedrooms, and \$22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 45 per centum in any geographical area where he finds that cost levels so require.”

73 Stat. 656.
12 USC 1715e.

(b) Section 213(b)(2) of such Act is amended by striking out all that precedes the third proviso and inserting in lieu thereof the following:

“(2) not to exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), \$9,000 per family unit without a bedroom, \$12,500 per family unit with one bedroom, \$15,000 per family unit with two bedrooms, and \$18,500 per family unit with three or more bedrooms, and not to exceed 97 per centum of the amount which the Commissioner estimates will be the replacement cost of the property or project when the proposed physical improvements are completed: *Provided*, That as to projects to consist of elevator-type structures the Commis-

sioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed \$10,500 per family unit without a bedroom, \$15,000 per family unit with one bedroom, \$18,000 per family unit with two bedrooms, and \$22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design: *Provided further*, That the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 45 per centum in any geographical area where he finds that cost levels so require".

(c) Section 220(d)(3)(B)(iii) of such Act is amended to read as follows:

68 Stat. 598.
12 USC 1715k.

"(iii) not exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), \$9,000 per family unit without a bedroom, \$12,500 per family unit with one bedroom, \$15,000 per family unit with two bedrooms, and \$18,500 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed \$10,500 per family unit without a bedroom, \$15,000 per family unit with one bedroom, \$18,000 per family unit with two bedrooms, and \$22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this clause by not to exceed 45 per centum in any geographical area where he finds that cost levels so require: *Provided*, That nothing contained in this subparagraph shall preclude the insurance of mortgages covering existing multifamily dwellings to be rehabilitated or reconstructed for the purposes set forth in subsection (a) of this section; and".

(d)(1) Section 221(d)(3)(ii) of such Act is amended to read as follows:

75 Stat. 150.
12 USC 1715l.

"(ii) not exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), \$8,000 per family unit without a bedroom, \$11,250 per family unit with one bedroom, \$13,500 per family unit with two bedrooms, and \$17,000 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed \$9,500 per family unit without a bedroom, \$13,500 per family unit with one bedroom, \$16,000 per family unit with two bedrooms, and \$20,000 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this clause by not to exceed 45 per centum in any geographical area where he finds that cost levels so require; and".

(2) Section 221(d)(4)(ii) of such Act is amended to read as follows:

"(ii) not exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improve-

ments as defined by the Commissioner), \$8,000 per family unit without a bedroom, \$11,250 per family unit with one bedroom, \$13,500 per family unit with two bedrooms, and \$17,000 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed \$9,500 per family unit without a bedroom, \$13,500 per family unit with one bedroom, \$16,000 per family unit with two bedrooms, and \$20,000 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this clause by not to exceed 45 per centum in any geographical area where he finds that cost levels so require;”.

75 Stat. 183.
12 USC 1715v.

(e) Section 231(c) (2) of such Act is amended to read as follows:

“(2) not exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), \$8,000 per family unit without a bedroom, \$11,250 per family unit with one bedroom, \$13,500 per family unit with two bedrooms, and \$17,000 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed \$9,500 per family unit without a bedroom, \$13,500 per family unit with one bedroom, \$16,000 per family unit with two bedrooms, and \$20,000 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 45 per centum in any geographical area where he finds that cost levels so require;”.

73 Stat. 684.
12 USC 1748h-2.

(f) (1) Clause (2) in the first sentence of section 810(f) of such Act is amended by striking out “\$2,500 per room (or \$9,000 per family unit if the number of rooms in such property or project is less than four per family unit)” and inserting in lieu thereof “\$9,000 per family unit without a bedroom, \$12,500 per family unit with one bedroom, \$15,000 per family unit with two bedrooms, and \$18,500 per family unit with three or more bedrooms”.

(2) The second sentence of section 810(f) of such Act is amended to read as follows: “The Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 45 per centum in any geographical area where he finds that cost levels so require.”

(g) If the Federal Housing Commissioner determines that it would be inequitable to apply the provisions of the National Housing Act as amended by this section to a project which had been submitted for his consideration prior to the date of the enactment of this Act, such provisions may be applied to such project without regard to the amendments made by this section.

ELIMINATION OF MANDATORY ACQUISITION OR FORECLOSURE WITHIN ONE YEAR OF MULTIFAMILY PROJECT IN DEFAULT

52 Stat. 20.
12 USC 1713.

SEC. 108. Section 207(k) of the National Housing Act is amended by striking out the second sentence.

SUPPLEMENTARY COOPERATIVE LOANS UNDER SECTION 213(j)

SEC. 109. (a) Section 213(j)(1) of the National Housing Act is amended—

75 Stat. 179.
12 USC 1715e.

- (1) by striking out “or” at the end of clause (A);
- (2) by striking out the period at the end of clause (B) and inserting in lieu thereof “; or”; and
- (3) by adding at the end thereof the following new clause:

“(C) Cooperative purchases and resales of memberships in order to provide necessary refinancing for resales of memberships which involve increases in equity; but in such resales by the cooperative the downpayments by the new members shall not be less than those made on the original sales of such memberships.”

(b) Section 305(e) of such Act is amended by adding at the end thereof the following new sentence: “Without regard to any of the limitations of this subsection except the total amount of authorizations available, the Association is authorized to enter into advance commitment contracts and purchase transactions on supplementing cooperative loans with respect to which the Federal Housing Commissioner shall have issued, pursuant to section 213(j), either a commitment to insure or a statement of eligibility; but such commitments and purchases shall be made solely where there is a management-type cooperative involved which is certified by the Federal Housing Commissioner as a consumer cooperative.”

71 Stat. 299;
73 Stat. 669.
12 USC 1720.

MORTGAGE LIMITS UNDER SECTION 220 SALES HOUSING MORTGAGE
INSURANCE PROGRAM

SEC. 110. Section 220(d)(3)(A)(i) of the National Housing Act is amended by striking out “\$25,000”, “\$27,500”, “\$30,000”, “\$35,000”, and “\$35,000” and inserting in lieu thereof “\$30,000”, “\$32,500”, “\$32,500”, “\$37,500”, and “\$37,500”, respectively.

12 USC 1715k.

MORTGAGE LIMITS UNDER SECTION 220 MULTIFAMILY HOUSING
MORTGAGE INSURANCE PROGRAM

SEC. 111. Section 220(d)(3)(B)(i) of the National Housing Act is amended by striking out “\$20,000,000” and inserting in lieu thereof “\$30,000,000”.

73 Stat. 658.

LOANS TO COVER THE COST OF PUBLIC IMPROVEMENTS

SEC. 112. (a) The second sentence of section 220(h)(1) of the National Housing Act is amended to read as follows: “As used in this subsection—

75 Stat. 154.

“(A) the term ‘home improvement loan’ means a loan, advance of credit, or purchase of an obligation representing a loan or advance of credit made—

“(i) for the purpose of financing the improvement of an existing structure (or in connection with an existing structure) which was constructed not less than ten years prior to the making of such loan, advance of credit, or purchase, and which is used or will be used primarily for residential purposes: *Provided*, That a home improvement loan shall include a loan, advance, or purchase with respect to the improvement of a structure which was constructed less than ten years prior to the making of such loan, advance, or purchase if the proceeds are or will be used primarily for major structural improvements, or to correct defects which were not known at the time of the completion of the structure or

which were caused by fire, flood, windstorm, or other casualty; or

“(ii) for the purpose of enabling the borrower to pay that part of the cost of the construction or installation of sidewalks, curbs, gutters, street paving, street lights, sewers, or other public improvements, adjacent to or in the vicinity of property owned by him and used primarily for residential purposes, which is assessed against him or for which he is otherwise legally liable as the owner of such property;

“(B) the term ‘improvement’ means conservation, repair, restoration, rehabilitation, conversion, alteration, enlargement, or remodeling; and

“(C) the term ‘financial institution’ means a lender approved by the Commissioner as eligible for insurance under section 2 or a mortgagee approved under section 203(b) (1).”

12 USC 1703,
1709,
75 Stat. 155,
12 USC 1715k.

(b) Section 220(h) (2) (i) of such Act is amended by inserting before the semicolon at the end thereof the following: “, and be limited as required by paragraph (11)”.

(c) Section 220(h) of such Act is further amended by adding at the end thereof the following new paragraph:

“(11) Notwithstanding any other provision of this Act, no home improvement loan made in whole or in part for the purpose specified in clause (A) (ii) of the second sentence of paragraph (1) shall be insured under this subsection if such loan (or the portion thereof which is attributable to such purpose), when added to the aggregate principal balance of any outstanding loans insured under this subsection or section 203(k) which were made to the same borrower for the purpose so specified (or the portion of such aggregate balance which is attributable to such purpose), would exceed \$10,000.”

HOME IMPROVEMENT LOANS ON PROPERTY HELD UNDER LEASE

SEC. 113. Section 220(h) (2) (vi) of the National Housing Act is amended by striking out “a period of not less than 50 years to run from the date of the loan” and inserting in lieu thereof “an expiration date in excess of 10 years later than the maturity date of the loan”.

FHA SECTION 221 HOUSING FOR LOW- OR MODERATE-INCOME PERSONS

SEC. 114. (a) Section 221(d) (3) of the National Housing Act is amended by inserting after “or association” the following: “, or other mortgagor approved by the Commissioner, and”.

68 Stat. 599,
12 USC 1715l.

(b) Subsection (e) of section 221 of such Act is amended to read as follows:

“(e) (1) A mortgagor which may be approved by the Commissioner as provided in subsection (d) (3) includes a mortgagor which, as a condition of obtaining insurance of the mortgage and prior to the submission of its application for such insurance, has entered into an agreement (in form and substance satisfactory to the Commissioner) with a private nonprofit corporation eligible for an insured mortgage under the provisions of subsection (d) (3), that the mortgagor will sell the project when it is completed to the corporation at the actual cost of the project, as certified pursuant to section 227 of this Act. The mortgagor to whom the property is sold shall be regulated or supervised by the Commissioner as provided in subsection (d) (3) to effectuate its purposes.

12 USC 1715r.

“(2) The Commissioner may at any time, under such terms and conditions as he may prescribe, consent to the release of the mortgagor from his liability under the mortgage or the credit instrument secured

thereby, or consent to the release of parts of the mortgaged property from the lien of the mortgage."

(c) Section 221(d) (3) of such Act is amended by inserting before the colon at the end of the first proviso in clause (iii): "*Provided further*, That in the case of any mortgagor other than a nonprofit corporation or association, cooperative (including an investor-sponsor), or public body, or a mortgagor meeting the special requirements of subsection (e) (1), the amount of the mortgage shall not exceed 90 per centum of the amount otherwise authorized under this section".

75 Stat. 150.
12 USC 1715l.

(d) The last sentence of section 221(f) of such Act is amended by striking out "July 1, 1965", each place it appears, and inserting in lieu thereof "September 30, 1965".

MORTGAGE INSURANCE FOR SERVICEMEN

SEC. 115. Section 222(b) of the National Housing Act is amended—

71 Stat. 296;
73 Stat. 661.
12 USC 1715m.
12 USC 1709,
1715l.

(1) by striking out "203(b) or 203(i)" in paragraph (1) and inserting in lieu thereof "203(b), 203(i), or 221(d) (2)"; and

(2) by striking out "such principal obligation shall not exceed \$9,000" in paragraph (2) and inserting in lieu thereof "or section 221(d) (2) such principal obligation shall not exceed the maximum limits prescribed for such section".

PRIVATE FINANCING OF SALE OF FHA-ACQUIRED PROPERTIES

SEC. 116. Section 223(c) of the National Housing Act is amended by striking out "limitation upon eligibility contained in this title II" and inserting in lieu thereof the following: "limitations or requirements contained in this title upon the eligibility of the mortgage, upon the payment of insurance premiums, or upon the terms and conditions of insurance settlement and the benefits of the insurance to be included in such settlement (except that in any case the payment of insurance shall be in debentures)".

68 Stat. 605;
75 Stat. 154.
12 USC 1715n.

MORTGAGE INSURANCE FOR NONPROFIT NURSING HOMES

SEC. 117. Section 232(b) (1) of the National Housing Act is amended by inserting after "proprietary facility" the following: "or facility of a private nonprofit corporation or association".

73 Stat. 663.
12 USC 1715w.

EXPERIMENTAL HOUSING

SEC. 118. (a) Section 233(a) of the National Housing Act is amended by striking out ", in the case of mortgages insured under subsection (b) (2) of this section, advances on such mortgages" and inserting in lieu thereof "home improvement loans, and including advances on mortgages".

75 Stat. 158.
12 USC 1715x.

(b) Section 233(b) of such Act is amended to read as follows:

"(b) To be eligible for insurance under this section, a mortgage shall meet the requirements of one of the other sections of this title; except that, in lieu of determining the appraised value or the replacement cost of the property in cases involving new construction or the estimated cost of repair and rehabilitation or improvement in cases involving existing properties, the Commissioner shall estimate the cost of replacing the property using comparable conventional design, materials, and construction, and any limitation upon the maximum mortgage amount available to a nonoccupant owner shall not, in the discretion of the Commissioner, be applicable to mortgages insured under this section."

75 Stat. 158.
12 USC 1715x.

(c) Section 233 of such Act is further amended by striking out subsections (e) and (f) and inserting in lieu thereof the following:

"(e) Any mortgagee or lender under a mortgage insured under subsection (b) shall be entitled to insurance benefits determined in the same manner as such benefits would be determined if such mortgage or loan were insured under the section of this title for which it otherwise would have been eligible except for the experimental feature of the property involved."

(d) Section 233 of such Act is further amended by redesignating subsections (g) and (h) as subsections (f) and (g), respectively, and by striking out "subsections (e) and (f)" in the first sentence of the subsection so redesignated as subsection (f) and inserting in lieu thereof "subsection (e)".

MORTGAGE INSURANCE FOR CONDOMINIUMS

75 Stat. 160.
12 USC 1715y.

SEC. 119. (a) Section 234 of the National Housing Act is amended—

(1) by striking out the heading and inserting in lieu thereof "MORTGAGE INSURANCE FOR CONDOMINIUMS";

(2) by striking out "structure" each place it appears and inserting in lieu thereof "project" (and by striking out "structures" in the last sentence of subsection (c) and inserting in lieu thereof "projects");

(3) by striking out "the term 'mortgage' for the purposes of this section" in subsection (b) and inserting in lieu thereof "the term 'mortgage' for the purposes of subsection (c)";

(4)(A) by striking out "this section" each time it appears in subsection (c) and inserting in lieu thereof "this subsection";

(B) by striking out "under another section" in the first sentence of subsection (c) and inserting in lieu thereof "under any section";

12 USC 1715e.

(5) by striking out "section 213" each time it appears in subsection (c) and inserting in lieu thereof "section 213(a) (1) and (2)";

(6) by striking out the third sentence of subsection (c) and inserting in lieu thereof the following: "To be eligible for insurance pursuant to this subsection, a mortgage shall (A) involve a principal obligation in an amount not to exceed \$30,000, and not to exceed the sum of (i) 97 per centum of \$15,000 of the amount which the Commissioner estimates will be the appraised value of the family unit including common areas and facilities as of the date the mortgage is accepted for insurance, (ii) 90 per centum of such value in excess of \$15,000 but not in excess of \$20,000, and (iii) 75 per centum of such value in excess of \$20,000, and (B) have a maturity satisfactory to the Commissioner, but not to exceed, in any event, thirty-five years from the date of the beginning of amortization of the mortgage or three-fourths of the Commissioner's estimate of the remaining economic life of the project, whichever is the lesser.";

(7) by redesignating subsection (d) as subsection (g), by redesignating subsections (e) and (f) as subsections (i) and (j), respectively, and by inserting after subsection (c) the following new subsections:

"(d) In addition to individual mortgages insured under subsection (c), the Commissioner is authorized, in his discretion and under such terms and conditions as he may prescribe, to insure blanket mortgages (including advances on such mortgages during construction) which cover multifamily projects to be constructed or rehabilitated in cases where the mortgage is held by a mortgagor, approved by the Commissioner, which—

"(1) has certified to the Commissioner, as a condition of obtaining the insurance of a blanket mortgage under this subsection, that upon completion of the multifamily project covered by such mortgage it intends to commit the ownership of the multifamily project to a plan of family unit ownership under which each family unit would be eligible for individual mortgage insurance under subsection (c) and will faithfully and diligently make and carry out all reasonable efforts to establish such plan of family unit ownership and to sell such family units to purchasers approved by the Commissioner; and

"(2) shall be regulated or restricted by the Commissioner as to rents, charges, capital structure, rate of return, and methods of operation until the termination of all obligations of the Commissioner under the insurance and during such further period of time as the Commissioner shall be the owner, holder, or reinsurer of the mortgage. The Commissioner may make such contracts with and acquire for not to exceed \$100 such stock or interest in such mortgagor as he may deem necessary to render effective the regulation and restriction of such mortgagor. The stock or interest acquired by the Commissioner shall be paid for out of the Apartment Unit Insurance Fund, and shall be redeemed by the mortgagor at par at any time upon the request of the Commissioner after the termination of all obligations of the Commissioner under the insurance.

"(e) To be eligible for insurance, a blanket mortgage on any multifamily project of a mortgagor of the character described in subsection (d) shall involve a principal obligation in an amount—

"(1) not to exceed \$20,000,000, or not to exceed \$25,000,000 if the mortgage is executed by a mortgagor regulated or supervised, under Federal or State law or by a political subdivision of a State or any agency thereof, as to rents, charges, and methods of operation;

"(2) not to exceed 90 per centum of the amount which the Commissioner estimates will be the replacement cost of the project when the proposed physical improvements are completed;

"(3) not to exceed, for such part of the project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), \$9,000 per family unit without a bedroom, \$12,500 per family unit with one bedroom, \$15,000 per family unit with two bedrooms, and \$18,500 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed \$10,500 per family unit without a bedroom, \$15,000 per family unit with one bedroom, \$18,000 per family unit with two bedrooms, and \$22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 45 per centum in any geographical area where he finds that cost levels so require; and

"(4) not to exceed an amount equal to the sum of the unit mortgage amounts determined under the provisions of subsection (c) assuming the mortgagor to be the owner and occupant of each family unit.

"(f) Any blanket mortgage insured under subsection (d) shall provide for complete amortization by periodic payments within such

term as the Commissioner may prescribe but not to exceed forty years from the beginning of amortization of the mortgage, and shall bear interest (exclusive of premium charges for insurance) at not to exceed $5\frac{1}{4}$ per centum per annum on the amount of the principal obligation outstanding at any time. The Commissioner may consent to the release of a part or parts of the mortgaged property from the lien of the blanket mortgage upon such terms and conditions as he may prescribe and the blanket mortgage may provide for such release. The project covered by the blanket mortgage may include five or more family units and such commercial and community facilities as the Commissioner deems adequate to serve the occupants.”;

(8) by striking out “this section” each time it appears in the subsection redesignated as subsection (g) by paragraph (7) of this subsection and inserting in lieu thereof “subsection (c) of this section”;

(9) by inserting after the subsection redesignated as subsection (g) by paragraph (7) of this subsection the following new subsection:

12 USC 1713. “(h) The provisions of subsections (d), (e), (g), (h), (i), (j), (k), (l), (m), (n), and (p) of section 207 shall be applicable to mortgages insured under subsection (d) of this section, except that all references to the Housing Insurance Fund, or Housing Fund, shall be construed to refer to the Apartment Unit Insurance Fund.”; and

(10) by amending the subsection redesignated as subsection (j) by paragraph (7) of this subsection to read as follows:

12 USC 1715p,
1715u.

“(j) The provisions of sections 225 and 230 shall be applicable to the mortgages insured under subsection (c) of this section.”

12 USC 1715c.

(b) Section 212(a) of such Act is amended by adding at the end thereof the following new sentence: “The provisions of this section shall also apply to the insurance of any mortgage under section 234(d).”

Ante, p. 780.

12 USC 1715r.

(c) Section 227(a) of such Act is amended by striking out “or (vii)” and inserting in lieu thereof “(vii)”, and by inserting before the semicolon at the end thereof “, or (viii) under section 234(d)”.

PREPAYMENT OF MORTGAGES BY NONPROFIT EDUCATIONAL INSTITUTIONS

12 USC 1731a-
1734.

SEC. 120. Title V of the National Housing Act is amended by adding at the end thereof the following new section:

“PREPAYMENT OF MORTGAGES BY NONPROFIT EDUCATIONAL INSTITUTIONS

“SEC. 517. (a) Notwithstanding any other provision of this Act, no adjusted premium charge shall be collected in connection with the payment in full, prior to maturity, of any mortgage insured under this Act, if the mortgagor certifies to the Commissioner that the loan was paid in full by or on behalf of a nonprofit educational institution which intends to use the property for educational purposes.

“(b) The Commissioner shall refund any adjusted premium charge collected subsequent to July 1, 1962, and prior to the date of the enactment of the Housing Act of 1964, in connection with the payment in full, prior to maturity, of any mortgage insured under this Act, if the mortgagor under such mortgage makes the certification prescribed by subsection (a).”

CORRECTION OF SUBSTANTIAL DEFECTS IN MORTGAGED HOMES

SEC. 121. Title V of the National Housing Act is amended by adding after section 517 (added by section 120 of this Act) the following new section:

Ante, p. 782.

“EXPENDITURES TO CORRECT OR COMPENSATE FOR SUBSTANTIAL DEFECTS IN
MORTGAGED HOMES

“SEC. 518. (a) The Commissioner is authorized, with respect to any property improved by a one- to four-family dwelling approved for mortgage insurance prior to the beginning of construction which he finds to have structural defects, to make expenditures for (1) correcting such defects, (2) paying the claims of the owner of the property arising from such defects, or (3) acquiring title to the property: *Provided*, That such authority of the Commissioner shall exist only (A) if the owner has requested assistance from the Commissioner not later than four years (or such shorter time as the Commissioner may prescribe) after insurance of the mortgage, and (B) if the property is encumbered by a mortgage which is insured under this Act after the date of enactment of the Housing Act of 1964.

“(b) The Commissioner shall by regulations prescribe the terms and conditions under which expenditures and payments may be made under the provisions of this section, and his decisions regarding such expenditures or payments, and the terms and conditions under which the same are approved or disapproved, shall be final and conclusive and shall not be subject to judicial review.”

TITLE II—HOUSING FOR THE ELDERLY AND HANDICAPPED

HOUSING FOR THE ELDERLY—LOAN PROGRAM

SEC. 201. Section 202(a)(4) of the Housing Act of 1959 is amended by striking out “\$275,000,000” and inserting in lieu thereof “\$350,000,000”.

73 Stat. 667;
77 Stat. 278.
12 USC 1701q.

FHA SECTION 221 HOUSING FOR LOW- OR MODERATE-INCOME ELDERLY PERSONS

SEC. 202. Section 221(f) of the National Housing Act is amended by adding at the end thereof the following new sentence: “Any person sixty-two years of age or over shall be deemed to be a family within the meaning of the terms ‘family’ and ‘families’ as those terms are used in this section.”

68 Stat. 599;
Post, p. 784.
12 USC 1715l.

HOUSING FOR THE HANDICAPPED

SEC. 203. (a)(1) The heading of title II of the Housing Act of 1959 is amended by striking out “HOUSING FOR THE ELDERLY” and inserting in lieu thereof “HOUSING FOR THE ELDERLY OR HANDICAPPED”.

(2) Section 202 of such Act is amended—

(A) by striking out “elderly families and elderly persons” wherever it appears in subsections (a)(1), (a)(2), and (e) and inserting in lieu thereof in each instance “elderly or handicapped families”;

(B) by amending subsection (d)(1) to read as follows:

“(1) The term ‘housing’ means structures suitable for dwelling use by elderly or handicapped families which are (A) new struc-

“Housing.”

tures, or (B) provided by rehabilitation, alteration, conversion, or improvement of existing structures which are otherwise inadequate for proposed dwelling use by such families.”;

“Elderly or
handicapped
families.”

(C) by striking out the first sentence of subsection (d) (4) and inserting in lieu thereof the following: “The term ‘elderly or handicapped families’ means families which consist of two or more persons and the head of which (or his spouse) is sixty-two years of age or over or is handicapped, and such term also means a single person who is sixty-two years of age or over or is handicapped. A person shall be considered handicapped if such person is determined, pursuant to regulations issued by the Administrator, to have a physical impairment which (A) is expected to be of long-continued and indefinite duration, (B) substantially impedes his ability to live independently, and (C) is of such a nature that such ability could be improved by more suitable housing conditions.”;

(D) by inserting before the period at the end of subsection (d) (7) the following: “or rehabilitation, alteration, conversion, or improvement of existing structures”; and

(E) by amending subsection (d) (8) to read as follows:

“Related facilities.”

“(8) The term ‘related facilities’ means (A) new structures suitable for use by elderly or handicapped families as cafeterias or dining halls, community rooms or buildings, workshops, or infirmaries or other inpatient or outpatient health facilities, or other essential service facilities, and (B) structures suitable for the above uses provided by rehabilitation, alteration, conversion, or improvement of existing structures which are otherwise inadequate for such uses.”

Ante, p. 783.

(b) The last sentence of section 221(f) of the National Housing Act (as added by section 202 of this Act) is amended by striking out “person sixty-two years of age or over” and inserting in lieu thereof “person who is sixty-two years of age or over, or who is a handicapped person within the meaning of section 202 of the Housing Act of 1959.”

73 Stat. 667.
12 USC 1701q.
73 Stat. 665.
12 USC 1715v.

(c) Section 231 of such Act is amended by adding at the end thereof the following new subsection:

“(f) Notwithstanding any of the provisions of this section, the housing provided under this section may include family units which are specially designed for the use and occupancy of any person or family qualifying as a handicapped family as defined in section 202 of the Housing Act of 1959, and such special facilities as the Commissioner deems adequate to serve handicapped families (as so defined). The Commissioner may also prescribe procedures to secure to such families preference or priority of opportunity to rent the living units specially designed for their use and occupancy.”

Post, p. 794.

(d) The second sentence of section 2(2) of the United States Housing Act of 1937 (as amended by section 401(a) of this Act) is amended by inserting after “and includes” the following: “a single person who is handicapped within the meaning of section 202 of the Housing Act of 1959 or who is”.

75 Stat. 165.
42 USC 1436.

(e) Section 207 of the Housing Act of 1961 (as amended by section 407 of this Act) is further amended by inserting before the period at the end of the first sentence the following: “and of demonstrating the types of housing and the means of providing housing that will assist low income persons or families who qualify as handicapped families as defined in section 202 of the Housing Act of 1959”.

TITLE III—URBAN RENEWAL

CODE ENFORCEMENT

SEC. 301. (a) Section 101(c) of the Housing Act of 1949 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: “: *Provided further*, That commencing three years after the date of enactment of the Housing Act of 1964, no workable program shall be certified or re-certified unless (A) the locality has had in effect, for at least six months prior to such certification or re-certification, a minimum standards housing code, related but not limited to health, sanitation, and occupancy requirements, which is deemed adequate by the Administrator, and (B) the Administrator is satisfied that the locality is carrying out an effective program of enforcement to achieve compliance with such housing code.”

68 Stat. 623.
42 USC 1451.

(b) The first sentence of section 110(c) of such Act is amended by inserting after “or rehabilitation or conservation in an urban renewal area,” the following: “or a program of code enforcement in an urban renewal area.”

70 Stat. 1097.
42 USC 1460.

(c) Paragraph (5) of the second sentence of section 110(c) of such Act is amended by (1) striking out “a program of” and inserting in lieu thereof “programs of code enforcement or”, and (2) adding before the semicolon at the end of such paragraph the following: “: *Provided*, That no program of code enforcement shall be included as part of an urban renewal project unless the locality shall agree to increase its total expenditures with respect to code enforcement, during the period such project is under contract for a loan or capital grant, by an amount equal to the required local grants-in-aid with respect to the code enforcement included as part of such project”.

(d) Any contract for a capital grant under title I of the Housing Act of 1949, executed prior to the date of enactment of this Act, may be amended to incorporate the provisions of subsection (c) for costs incurred on or after such date.

42 USC 1450-
1464.
Post, p. 788.

SELF-HELP PROGRAMS FOR COMMUNITY IMPROVEMENT

SEC. 302. Section 101(d) of the Housing Act of 1949 is amended by inserting immediately after “local urban renewal programs” the following: “(including rehabilitation projects requiring no additional assistance under this title or self-liquidating redevelopment projects)”.

LOAN CONTRACT FOR TWO OR MORE PROJECTS

SEC. 303. (a) Section 102(a) of the Housing Act of 1949 is amended by adding at the end thereof the following: “Notwithstanding any other provision of this title, the Administrator may make a temporary loan, as described in the first two sentences of this subsection, for two or more urban renewal projects being carried out by the same local public agency. The principal amount of any such loan which is outstanding at any one time shall not exceed the estimated expenditures to be made by the local public agency for such projects.”

63 Stat. 414.
42 USC 1452.

(b) Section 110(g) of such Act is amended by striking out in the first sentence thereof the words “for any project”.

CAPITAL GRANT AUTHORIZATION

SEC. 304. Section 103(b) of the Housing Act of 1949 is amended by striking out “not to exceed \$4,000,000,000” and inserting in lieu thereof “not to exceed \$4,725,000,000”.

75 Stat. 166.
42 USC 1453.

RELOCATION OF DISPLACED FROM URBAN RENEWAL AREAS

63 Stat. 416,
42 USC 1455.

SEC. 305. (a) (1) Section 105(c) of the Housing Act of 1949 is amended by striking out "families" wherever it appears and inserting in lieu thereof "individuals and families".

(2) The requirement imposed by the amendments made by paragraph (1) shall not be applicable to any project receiving Federal recognition prior to the date of the enactment of this Act.

(b) Section 105(c) of such Act is further amended by inserting before the period at the end thereof the following: ": *Provided*, That the Administrator shall issue rules and regulations to aid in implementing the requirements of this subsection and in otherwise achieving the objectives of this title which shall require that there be established, at the earliest practicable time, for each urban renewal project involving the displacement of families, individuals, or business concerns occupying property in an urban renewal area, a relocation assistance program which shall include such measures, facilities, and services as may be necessary or appropriate in order (1) to determine the needs of such families, individuals, and business concerns for relocation assistance, (2) to provide information and assistance to aid in relocation and otherwise minimize the hardships of displacement, and (3) to assure the necessary coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community which may affect the carrying out of the relocation program".

72 Stat. 389.
15 USC 637.

(c) Section 8(b) of the Small Business Act is amended—

(1) by striking out "and" at the end of paragraph (12);

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (13) the following new paragraph:

"(14) to provide at the earliest practicable time such information and assistance as may be appropriate, including information concerning eligibility for loans under section 7(b)(3), to local public agencies (as defined in section 110(h) of the Housing Act of 1949) and to small-business concerns to be displaced by federally aided urban renewal projects in order to assist such small-business concerns in reestablishing their operations."

75 Stat. 167.
15 USC 636.

68 Stat. 626.
42 USC 1460.

DISPOSAL OF LAND FOR LOW- AND MODERATE-INCOME HOUSING

SEC. 306. Subsections (a) and (b) of section 107 of the Housing Act of 1949 are amended to read as follows:

"(a) Upon approval of the Administrator and subject to such conditions as he may determine to be in the public interest, any real property held as part of an urban renewal project may be made available to (1) a limited dividend corporation, nonprofit corporation or association, cooperative, or public body or agency, or (2) a purchaser who would be eligible for a mortgage insured under section 221(d)(3) or (d)(4) of the National Housing Act, for purchase at fair value for use by such purchaser in the provision of new or rehabilitated rental or cooperative housing for occupancy by families or individuals of moderate income.

"(b) When it appears in the public interest that real property acquired as part of an urban renewal project should be used in whole or in part for a low-rent housing project assisted under the United States Housing Act of 1937, or under a State or local program found by the Administrator to have the same general purposes as the Federal program under such Act, the property shall be made available to the

73 Stat. 674;
75 Stat. 168.
42 USC 1457.

73 Stat. 660;
75 Stat. 150.
12 USC 1715l.

50 Stat. 888.
42 USC 1430.

public housing agency undertaking the low-rent housing project at a price equal to its fair value, as determined in accordance with subsection (a), and such amount shall be included as part of the development cost of such low-rent housing project: *Provided*, That the local contribution in the form of tax exemption or tax remission required by section 10(h) of such Act, or by analogous provisions in legislation authorizing such State or local program, with respect to the low-rent housing project into which such property was incorporated on or after September 23, 1959, shall (if covered by a contract which, in the determination of the Public Housing Commissioner, will assure that such local contribution will be made during the entire period that the project is used as low-rent housing within the meaning of such Act, or by provisions found by the Administrator to give equivalent assurance in the case of State or local programs) be accepted as a local grant-in-aid equal in amount, as determined by the Administrator, to one-half (or one-third in the case of an urban renewal project on a three-fourths capital grant basis) of the difference between the cost of such property (including costs of land, clearance, site improvements, and a share, prorated on an area basis, of administrative, interest, and other project costs) and its sales price, and shall be considered a local grant-in-aid furnished in a form other than cash within the meaning of section 110(d) of this Act."

68 Stat. 631;
Post, p. 795.
42 USC 1410.

68 Stat. 626.
42 USC 1460.

REHABILITATION OF PROPERTY IN URBAN RENEWAL AREAS

SEC. 307. Section 110(c) of the Housing Act of 1949 is amended by adding immediately after and below paragraph (7) the following new paragraph:

70 Stat. 1097;
75 Stat. 168.

"Notwithstanding any other provision of this title, no contract shall be entered into for any loan or capital grant under this title for any project which provides for demolition and removal of buildings and improvements unless the Administrator determines that the objectives of the urban renewal plan could not be achieved through rehabilitation of the project area."

PROJECTS INVOLVING THE ACQUISITION AND DEVELOPMENT OF AIR RIGHTS SITES

SEC. 308. (a) Section 110(c)(1) of the Housing Act of 1949 is amended by—

(1) inserting a new clause (iv) before the proviso to read as follows: "or (iv) air rights in an area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income";

(2) striking out in the proviso "an open land project" and inserting in lieu thereof "projects under clauses (iii) and (iv) hereof"; and

(3) adding before the semicolon at the end thereof the following: "Provided further, That the aggregate amount of capital grants for projects under clause (iv) shall not exceed 5 per centum of the aggregate amount of grants authorized by this title to be contracted for after the date of enactment of the Housing Act of 1964".

70 Stat. 1097;
75 Stat. 168.
42 USC 1460.

- (b) Section 110(c) of such Act is further amended by—
- (1) striking out “and” at the end of paragraph (6), and redesignating paragraph (7) as paragraph (8);
 - (2) inserting after paragraph (6) a new paragraph as follows:
“(7) construction of foundations and platforms necessary for the provision on air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income; and”;
 - (3) striking out “paragraph (7)” in the third sentence (as numbered prior to the amendments made by this Act) and inserting in lieu thereof “paragraphs (7) and (8)”.
- (c) Section 110(d) of such Act is amended by striking out “project” and inserting in lieu thereof “project, or of air rights over streets, alleys, and other public rights-of-way”.
- (d) Section 110(e) of such Act is amended by striking out “and (7)” in clause (i) and inserting in lieu thereof “(7), and (8)”.

AMENDMENT OF DEFINITION OF “GOING FEDERAL RATE”

68 Stat. 626.

SEC. 309. Section 110(g) of the Housing Act of 1949 is amended by striking out the last sentence and inserting in lieu thereof the following: “Any contract for a loan or advance, authorized by the Administrator after the date of enactment of the Housing Act of 1964, shall provide for a single interest rate which shall be applicable also to future amendments of the contract which provide additional funds thereunder, and shall further provide for a periodic revision of the interest rate on the balance outstanding or to be outstanding on such loan or advance based on the going Federal rate on the date of such revision: *Provided*, That any contract for a loan or advance authorized prior to the date of enactment of the Housing Act of 1964 shall be amended (with the first amendment to such contract authorized after the date of enactment of such Act) to provide for such a single interest rate (based on the going Federal rate at the time such amendment is authorized) and for periodic revision thereof.”

RELOCATION PAYMENTS TO DISPLACED PERSONS AND BUSINESSES

42 USC 1450-
1464.

SEC. 310. (a) Title I of the Housing Act of 1949 is amended by adding at the end thereof the following new section:

“RELOCATION

“SEC. 114. (a) Notwithstanding any other provision of this title, an urban renewal project may include the making of payments as prescribed in this section to displaced individuals, families, business concerns, and nonprofit organizations; and any contract for financial assistance under this title shall provide that the capital grant otherwise payable for the project shall be increased by an amount equal to such payments and that no part of the amount of such payments shall be required to be contributed as part of the local grant-in-aid. As used in this section, ‘displaced’ refers to displacement from an urban renewal area made necessary by (1) the acquisition of real property by a local public agency or by any other public body, (2) code enforcement activities undertaken in connection with an urban renewal project, or (3) a program of voluntary rehabilitation of buildings or other improvements in accordance with an urban renewal plan.

“(b) A local public agency may pay to any displaced business concern or nonprofit organization—

“(1) its reasonable and necessary moving expenses and any actual direct losses of property except goodwill or profit (which

are incurred on and after August 7, 1956, and for which reimbursement or compensation is not otherwise made): *Provided*, That such payment shall not exceed \$3,000 (or, if greater, the total certified actual moving expenses); and

“(2) an additional \$1,500 in the case of a private business concern with average annual net earnings of less than \$10,000 per year which (A) was doing business in a location in the urban renewal area on the date of local approval of the urban renewal plan (or of acquisition of real property under the third sentence of section 102(a)), (B) is displaced on or after January 27, 1964, and (C) is not part of an enterprise having establishments outside the urban renewal area.

Notwithstanding the provisions of clause (1) of the preceding sentence, a business concern which is not being displaced from an urban renewal area shall be eligible for payments under such clause (1) of its certified actual moving expenses with respect to its outdoor advertising displays being removed from the urban renewal area in the same manner as though such business concern were being displaced.

“(c) (1) A local public agency may pay to any displaced individual or family his or its reasonable and necessary moving expenses and any actual direct losses of property (which are incurred on and after August 7, 1956, and for which reimbursement or compensation is not otherwise made): *Provided*, That such payment shall not exceed \$200: *And provided further*, That the Administrator may authorize payment to individuals and families of fixed amounts (not to exceed \$200 in any case) in lieu of their respective reasonable and necessary moving expenses and actual direct losses of property.

“(2) A local public agency may pay (in addition to any amount under paragraph (1)), on behalf of any displaced family or any displaced individual sixty-two years of age or over, during the first five months after displacement, a relocation adjustment payment, not to exceed \$500, to assist such displaced individual or family to acquire a decent, safe, and sanitary dwelling. The relocation adjustment payment shall be an amount which, when added to 20 per centum of the annual income of the displaced individual or family at the time of displacement, equals the average rental required, for a 12-month period, for such a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the displaced individual or family (in the urban renewal area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities): *Provided*, That such payment shall be made only to an individual or family who is unable to secure a dwelling unit in a low-rent housing project assisted under the United States Housing Act of 1937, or under a State or local program found by the Administrator to have the same general purposes as the Federal program under such Act: *Provided further*, That payments under this paragraph shall be available only in the case of families, and individuals sixty-two years of age or over, displaced on or after January 27, 1964.

50 Stat. 888.
42 USC 1430.

“(d) The Administrator is authorized to establish such rules and regulations as he may deem appropriate in carrying out the provisions of this section and may provide in any contract with a local public agency, or in regulations promulgated by the Administrator, that determinations of any duly designated officer or agency as to eligibility for and the amount of relocation assistance authorized by this section shall be final and conclusive for any purposes and not subject to re-determination by any court or any other officer. Such regulations shall include provisions to assure that relocation payments, as authorized by this section, shall be made as promptly as possible to all families, individuals, business concerns, and nonprofit organizations found to be

eligible for such payments by reason of their having been displaced from property in the urban renewal area, without regard to any subsequent proceedings, determinations, or events relating to such property which do not bear upon whether such displacement in fact occurred."

42 USC 1450-1464.

Ante, p. 788.

70 Stat. 1100.
42 USC 1456.

(b) Any contract with a local public agency which was executed under title I of the Housing Act of 1949 before the date of the enactment of this Act may be amended to provide for payments authorized by section 114 of the Housing Act of 1949.

(c) Section 106 of the Housing Act of 1949 is amended by striking out subsection (f).

ACQUISITION OF PROPERTY AFFECTED BY COAL MINE SUBSIDENCE OR UNDERGROUND MINE FIRES

68 Stat. 626.
42 USC 1460.

SEC. 311. (a) Section 110(e) of the Housing Act of 1949 is amended by adding at the end thereof the following new paragraph:

"Where a project includes the acquisition of property which has been damaged because of the collapse or subsidence of underlying coal mines, or underground mine fires, and the property is to be acquired from an individual, family, business concern, or nonprofit organization which was the owner of such property at the time the damage first occurred, the amount otherwise allowable as the acquisition price of such property may be increased by an amount equal to so much of any diminution in the value of such property as is determined to be reasonably attributable to such damage and to represent an otherwise uncompensated and (but for such acquisition) uncompensable loss actually sustained by such owner."

(b) Any contract under title I of the Housing Act of 1949 executed prior to the date of enactment of the Housing Act of 1964 may be amended to provide for payment of the increased amounts authorized under the amendment made by subsection (a) with respect to any uncompleted project if the project includes acquisitions which, under any State or local law in effect on such date, would involve expenditures by a local public agency that could not otherwise be included in the costs of such project.

REHABILITATION LOANS

SEC. 312. (a) To assist rehabilitation in an urban renewal area and thereby reduce the need for demolition and removal of structures, the Housing and Home Finance Administrator is hereby authorized, through the utilization of local public and private agencies where feasible, to make loans as herein provided to the owners or tenants of property in such area to finance rehabilitation required to make the property conform to applicable code requirements or to carry out the objectives of the urban renewal plan for the area. No loan shall be made under this section unless the Administrator finds (1) that the applicant is unable to secure the necessary funds from other sources upon reasonable terms and conditions, and (2) the loan is an acceptable risk taking into consideration the need for the rehabilitation, the security available for the loan, and the ability of the applicant to repay the loan.

Definitions.

(b) For the purposes of this section—

(1) the term "rehabilitation" means the improvement or repair of a structure or facilities in connection with a structure, and may include the provision of such sanitary or other facilities as are required by applicable codes or the urban renewal plan to be provided by the owner or tenant of the property;

(2) the term "urban renewal area" means a slum area or a blighted, deteriorated, or deteriorating area as defined in section 110(a) of the Housing Act of 1949;

68 Stat. 626.
42 USC 1460.

(3) the term "tenant" means a person or organization who is occupying a structure under a lease having a period to run at the time a rehabilitation loan is made under this section of not less than the term of the loan; and

(4) the term "Administrator" means the Housing and Home Finance Administrator.

(c) A rehabilitation loan made under this section shall be subject to the following limitations:

(1) The loan shall be subject to such terms and conditions as may be prescribed by the Administrator.

(2) The term of the loan may not exceed twenty years or three-fourths of the remaining economic life of the structure after rehabilitation, whichever is less.

(3) The loan shall bear interest at such rate as the Administrator determines to be appropriate but not to exceed 3 per centum per annum of the amount of the principal outstanding at any time, and the Administrator may prescribe such other charges as he finds necessary, including service charges and appraisal, inspection, and other fees.

(4) The amount of the loan may not exceed—

(A) in the case of residential property, the amount of a loan which could be insured by the Federal Housing Commissioner under section 220(h) of the National Housing Act: *Provided*, That, within the limitations otherwise applicable on the amount of a loan under such section, the loan may exceed the cost of rehabilitation in order to include an amount approved by the Administrator to refinance existing indebtedness secured by such property if such refinancing is necessary to enable the applicant to amortize, with a monthly payment of not more than 20 per centum of his average monthly income, such loan and any other indebtedness secured by his property; and

75 Stat. 154.
12 USC 1715k.

(B) in the case of nonresidential property, whichever of the following is the least: \$50,000, or the cost of rehabilitation, or an amount which when added to any outstanding indebtedness related to the property securing the loan creates a total outstanding indebtedness that the Administrator determines could be reasonably secured by a first mortgage on the property.

(5) A loan shall be secured as determined by the Administrator.

(d) There is authorized to be appropriated not to exceed \$50,000,000 which shall constitute a revolving fund to be used by the Administrator in carrying out this section.

(e) In the performance of, and with respect to, the functions, powers, and duties vested in him by this section, the Administrator shall have (in addition to any authority otherwise vested in him) the functions, powers, and duties set forth in section 402 of the Housing Act of 1950 (except subsection (c)(2)).

64 Stat. 78.
12 USC 1749a.

(f) The Administrator is authorized to delegate to or use as his agent any Federal or local public or private agency or organization to the extent he determines appropriate and desirable to carry out the objectives of this section in the area involved.

(g) The Administrator is authorized to issue such rules and regulations and impose such requirements and conditions (in addition to those specified in this section) as he determines to be desirable to carry out the objectives of this section, including limitations on the amount of a loan and restrictions on the use of the property involved.

URBAN RENEWAL DEMONSTRATION PROGRAM

68 Stat. 629.
42 USC 1452a.

SEC. 313. Section 314 of the Housing Act of 1954 is amended—

(1) by inserting “(a)” after “314.” at the beginning of the section;

(2) by inserting before the period at the end of the second sentence the following: “, but such a grant may in addition cover the full cost of writing and publishing the reports on such activities and undertakings”;

(3) by inserting “activities and” before “undertakings” in the third sentence;

(4) by striking out the fourth and fifth sentences; and

(5) by adding at the end thereof the following new subsections:

“(b) The Administrator is further authorized to pay for the cost of (1) writing and publishing reports on activities and undertakings financed by grants made under this section, as well as reports on similar activities and undertakings, not so financed, which are of significant value in furthering the purposes of this section, and (2) writing and publishing summaries and other informational material on such reports.

“(c) The aggregate amount of grants made under subsection (a), and other costs incurred pursuant to subsection (b), shall not exceed \$10,000,000 and shall be payable from the grant funds provided under and authorized by section 103(b) of the Housing Act of 1949. The Administrator may make advance or progress payments on account of any contract entered into pursuant to this section, notwithstanding the provisions of section 3648 of the Revised Statutes, as amended.”

Ante, p. 785.
42 USC 1453.

31 USC 529.

URBAN AND REGIONAL PLANNING GRANTS

73 Stat. 678.
40 USC 461.

SEC. 314. (a) Section 701(a) of the Housing Act of 1954 is amended by striking out “resulting from rapid urbanization” in clause (B) of paragraph (1).

(b) Section 701(a) of such Act is further amended by—

(1) striking out “and” at the end of paragraph (4);

(2) striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) adding two new paragraphs after paragraph (5) as follows:

“(6) metropolitan and regional planning agencies, with the approval of the State planning agency or (in States where no such planning agency exists) of the Governor of the State, for the provision of planning assistance within the metropolitan area or region to cities, other municipalities, counties, groups of adjacent communities, or Indian reservations described in clauses (A), (B), (C), and (D) of paragraph (1) of this subsection;

“(7) to official governmental planning agencies for any area where there has occurred a substantial reduction in employment opportunities as the result of (A) the closing (in whole or in part) of a Federal installation, or (B) a decline in the volume of Government orders for the procurement of articles or materials produced or manufactured in such area; and”.

(c) Section 701(a) of such Act is further amended by striking out “(a)” after “section 5” in paragraph (3).

(d) Section 701(b) of such Act is amended by striking out the proviso in the first sentence and inserting in lieu thereof “: *Provided*, That such a grant may be in an amount not exceeding three-fourths of such estimated cost to an official governmental planning agency for an area described in subsection (a) (7), or for planning being carried out for a city, other municipality, county, group of adjacent communi-

ties, or Indian reservation in an area designated by the Secretary of Commerce as a redevelopment area under section 5 of the Area Redevelopment Act”.

75 Stat. 48.
42 USC 2504.

PLANNING GRANTS FOR INDIAN RESERVATIONS

SEC. 315. (a) Section 701(a) of the Housing Act of 1954 is amended by—

73 Stat. 678.
40 USC 461.

(1) striking out “and” at the end of clause (B) of paragraph (1);

(2) inserting “, and (D) Indian reservations” before the semicolon at the end of paragraph (1); and

(3) inserting a new paragraph after paragraph (7) (added by section 314(b)) as follows:

“(8) tribal planning councils or other tribal bodies designated by the Secretary of the Interior for planning for an Indian reservation to which no State planning agency or other agency or instrumentality is empowered to provide planning assistance under clause (D) of paragraph (1) above.”

(b) Section 701(d) of such Act is amended by—

(1) striking out “and urban regions” in the first sentence and inserting in lieu thereof “urban regions, and Indian reservations”; and

(2) inserting after “instrumentalities” in the second sentence the following: “, and to Indian tribal bodies.”

ELIGIBILITY OF COUNTIES FOR PLANNING ASSISTANCE

SEC. 316. Section 701(a) of the Housing Act of 1954 is amended by striking out clause (A) of paragraph (1) and inserting in lieu thereof the following: “(A) cities and other municipalities having a population of less than 50,000 according to the latest decennial census, and counties without regard to population: *Provided*, That grants shall be made under this paragraph for planning assistance to counties having a population of 50,000 or more, according to the latest decennial census, which are within metropolitan areas, only if (i) the Administrator finds that planning and plans for such county will be coordinated with the program of comprehensive planning, if any, which is being carried out for the metropolitan area of which the county is a part, and (ii) the aggregate amount of the grants made subject to this proviso does not exceed 15 per centum of the aggregate amount appropriated, after the date of enactment of the Housing Act of 1964, for the purposes of this section.”.

PLANNING GRANT AUTHORIZATION

SEC. 317. Section 701(b) of the Housing Act of 1954 is amended by striking out “\$75,000,000” in the last sentence and inserting in lieu thereof “\$105,000,000”.

PLANNING PROBLEMS RESULTING FROM CHAMIZAL TREATY OF 1963

SEC. 318. Notwithstanding the provisions of section 701 of the Housing Act of 1954 with respect to the eligibility of a city for a grant thereunder, the Housing and Home Finance Administrator is authorized to make planning grants to the city of El Paso, Texas, for the purpose of assisting it to solve those urban planning problems that have resulted or are expected to result from the Chamizal Treaty of 1963 between the United States of America and the Republic of Mexico. Any such grants shall be subject to all other conditions and requirements contained in such section 701.

SMALL BUSINESS ADMINISTRATION LOANS

75 Stat. 167.
15 USC 636.

SEC. 319. Section 7(b) (3) of the Small Business Act is amended by inserting before the period at the end thereof the following: “; and the purposes of a loan made pursuant to this paragraph may, in the discretion of the Administrator, include the purchase or construction of other premises whether or not the borrower owned the premises from which it was displaced”.

TITLE IV—HOUSING FOR LOW-INCOME FAMILIES

ELIGIBILITY OF DISPLACED INDIVIDUALS

50 Stat. 888;
Ante, p. 784.
42 USC 1402.

SEC. 401. (a) Section 2(2) of the United States Housing Act of 1937 is amended to read as follows:

“(2) The term ‘families of low income’ means families (including elderly and displaced families) who are in the lowest income group and who cannot afford to pay enough to cause private enterprise in their locality or metropolitan area to build an adequate supply of decent, safe, and sanitary dwellings for their use. The term ‘families’ includes families consisting of a single person in the case of elderly families and displaced families, and includes the remaining member of a tenant family. The term ‘elderly families’ means families whose heads (or their spouses), or whose sole members, have attained the age at which an individual may elect to receive an old age benefit under title II of the Social Security Act, or who are under a disability as defined in section 223 of that Act. The term ‘displaced families’ means families displaced by urban renewal or other governmental action.”

42 USC 401-425.

70 Stat. 815.

42 USC 423.

75 Stat. 164.

42 USC 1410.

(b) Section 10(g) (2) of such Act is amended by—

(1) striking out “those displaced by urban renewal or other governmental action” and inserting in lieu thereof “displaced families”; and

(2) striking out “; and” at the end thereof and inserting in lieu thereof the following: “: *Provided*, That in establishing such admission policies the public housing agency shall accord to families of low income such priority over single persons as it determines to be necessary to avoid undue hardship; and”.

63 Stat. 422;
75 Stat. 165.
42 USC 1415.

(c) Section 15(7) (b) of such Act is amended by striking out “family displaced by urban renewal or other governmental action” and inserting in lieu thereof “displaced family”.

ADDITIONAL SUBSIDY FOR URBAN RENEWAL AND LOW-RENT HOUSING
DISPLACEDS

SEC. 402. The first proviso in section 10(a) of the United States Housing Act of 1937 is amended to read as follows: “: *Provided*, That the Authority may, in addition to the payments guaranteed under the contract, pay not to exceed \$120 per annum per dwelling unit occupied by an elderly family, or a displaced family if such family was displaced by an urban renewal or low-rent housing project on or after January 27, 1964, on the last day of the project fiscal year where such amount, in the determination of the Authority, was necessary to enable the public housing agency to lease the dwelling unit to an elderly or displaced family at a rental it could afford and to operate the project on a solvent basis, and, in the case of displaced families, if and to the extent that the average or estimated average rental for units so occupied by such families was less than the rental which the Authority determines, on the basis of the average or estimated average project rentals, would have been established in leasing the units to families which were neither elderly nor similarly displaced”.

INCREASE IN AUTHORIZATION FOR ANNUAL CONTRIBUTIONS

SEC. 403. Section 10(e) of the United States Housing Act of 1937 is amended by striking out "\$336,000,000" and inserting in lieu thereof "\$366,250,000".

75 Stat. 163.
42 USC 1410.

PAYMENTS IN LIEU OF TAXES BY LOCAL HOUSING AUTHORITIES; LOCAL CONTRIBUTIONS

SEC. 404. Section 10(h) of the United States Housing Act of 1937 is amended by striking out all that follows the first colon and inserting in lieu thereof the following: "*Provided*, That, with respect to any such project which is not exempt from all real and personal property taxes levied or imposed by the State, city, county, or other political subdivisions, such contract shall provide, in lieu of the requirement for tax exemption and payments in lieu of taxes, that no annual contributions by the Authority shall be made available for such project unless and until the State, city, county, or other political subdivisions in which such project is situated shall contribute, in the form of cash or tax remission, the amount by which the taxes paid with respect to the project exceed 10 per centum of the annual shelter rents charged in such project: *Provided further*, That, prior to execution of the contract for annual contributions the public housing agency shall, in the case of a tax-exempt project, notify the governing body of the locality of its estimate of the annual amount of such payments in lieu of taxes and of the amount of taxes which would be levied if the property were privately owned, or, in the case where the project is taxed, its estimate of the annual amount of the local cash contribution, and shall thereafter include the actual amounts of such payments or contributions in its annual report. Contracts for annual contributions entered into prior to the effective date of the Housing Act of 1964 may be amended in accordance with the first sentence of this subsection."

68 Stat. 631.

RELOCATION OF FAMILIES AND INDIVIDUALS DISPLACED FROM PROJECT SITES

SEC. 405. (a) Section 15(7)(b) of the United States Housing Act of 1937 is amended by striking out "and" before "(ii)", and by inserting before the period at the end thereof the following: "; and (iii) unless the public housing agency has demonstrated to the satisfaction of the Authority that there is a feasible method for the temporary relocation of the individuals and families displaced from the project site, and that there are or are being provided, in the project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of such individuals and families, decent, safe, and sanitary dwellings equal in number to the number of and available to such individuals and families and reasonably accessible to their places of employment".

63 Stat. 422.
42 USC 1415.

(b) The amendments made by subsection (a) shall not be applicable to any project for which an application for preliminary loan has been approved by the local governing body prior to the date of the enactment of this Act.

RELOCATION PAYMENTS

SEC. 406. Section 15 of the United States Housing Act of 1937 is amended by adding at the end thereof the following new paragraph: "(8) The Authority may authorize the cost of relocation payments made by public housing agencies to be included with the development

75 Stat. 164.

or acquisition cost of any project for purposes of determining the amount of loans and annual contributions authorized to be made with respect to such project under sections 9 and 10, but such costs shall be separately stated as relocation costs. For purposes of this paragraph, a 'relocation payment' is a payment (i) which is made to an individual, family, business concern, or nonprofit organization displaced on or after January 27, 1964, from a low-rent housing project site as a result of the acquisition of real property by a public housing agency, (ii) which is not otherwise authorized under any Federal law, and (iii) which is made only on such terms and conditions, and subject to such limitations, as are authorized (as of the time such payment is approved) under section 114 (b) or (c) of the Housing Act of 1949 for relocation payments made to individuals, families, business concerns, or nonprofit organizations, as the case may be."

Ante, pp. 788,
789.

LOW-INCOME HOUSING DEMONSTRATION PROGRAM AUTHORIZATION

75 Stat. 165.
42 USC 1436.

SEC. 407. Section 207 of the Housing Act of 1961 is amended by striking out "\$5,000,000" and inserting in lieu thereof "\$10,000,000".

TITLE V—RURAL HOUSING

EXTENSION OF RURAL HOUSING PROGRAMS

75 Stat. 186;
76 Stat. 672.
42 USC 1481.

SEC. 501. (a) The second sentence of section 511 of the Housing Act of 1949 is amended by—

(1) striking out "June 30, 1965" and inserting in lieu thereof "September 30, 1965"; and

(2) striking out "\$700,000,000" and inserting in lieu thereof "\$850,000,000".

75 Stat. 186.

(b) Section 512 of such Act is amended by striking out "June 30, 1965" and inserting in lieu thereof "September 30, 1965".

(c) Section 513 of such Act is amended by striking out "June 30, 1965", each place it appears, and inserting in lieu thereof "September 30, 1965".

76 Stat. 671.
42 USC 1485.

(d) Section 515(b) of such Act is amended by—

(1) striking out "\$100,000" in clause (1) and inserting in lieu thereof "\$300,000"; and

(2) striking out "1964" in clause (5) and inserting in lieu thereof "1965".

DEFINITION OF DOMESTIC FARM LABOR

75 Stat. 188.
42 USC 1484.

SEC. 502. Section 514(f) (3) of the Housing Act of 1949 is amended to read as follows:

"(3) the term 'domestic farm labor' means persons who receive a substantial portion (as determined by the Secretary) of their income as laborers on farms situated in the United States and either (A) are citizens of the United States or (B) reside in the United States after being legally admitted for permanent residence therein."

LOW-RENT HOUSING FOR DOMESTIC FARM LABOR

63 Stat. 432;
76 Stat. 671.
42 USC 1471-
1485.

SEC. 503. (a) Title V of the Housing Act of 1949 is amended by adding at the end thereof the following new section:

"FINANCIAL ASSISTANCE TO PROVIDE LOW-RENT HOUSING FOR DOMESTIC
FARM LABOR

"SEC. 516. (a) Upon the application of any State or political subdivision thereof, or any public or private nonprofit organization, the Secretary is authorized to provide financial assistance for the provision of low-rent housing and related facilities for domestic farm labor, if he finds that—

"(1) the housing and related facilities for which financial assistance is requested will fulfill a pressing need in the area in which such housing and facilities will be located, and there is reasonable doubt that the same can be provided without financial assistance under this section;

"(2) the applicant will contribute, from its own resources or from funds borrowed under section 514 or elsewhere, at least one-third of the total development cost;

75 Stat. 186.
42 USC 1484.

"(3) the types of housing and related facilities to be provided are most practical, giving due consideration to the purposes to be served thereby and the needs of the occupants thereof; and

"(4) the construction will be undertaken in an economical manner, and the housing and related facilities will not be of elaborate or extravagant design or material.

"(b) The amount of any financial assistance provided under this section for low-rent housing and related facilities shall not exceed two-thirds of the total development cost thereof, as determined by the Secretary, less such amount as the Secretary determines can be practicably obtained from other sources (including a loan under section 514).

"(c) No financial assistance for low-rent housing and related facilities shall be made available under this section unless, to any extent and for any periods required by the Secretary, the applicant agrees—

"(1) that the rentals charged domestic farm labor shall not exceed such amounts as may be approved by the Secretary, giving due consideration to the income and earning capacity of the tenants, and the necessary costs of operating and maintaining such housing;

"(2) that such housing shall be maintained at all times in a safe and sanitary condition in accordance with such standards as may be prescribed by State or local law, or, in the absence of such standards, in accordance with such minimum requirements as the Secretary shall prescribe; and

"(3) an absolute priority will be given at all times in granting occupancy of such housing and facilities to domestic farm labor.

"(d) The Secretary may make payments pursuant to any contract for financial assistance under this section at such times and in such manner as may be specified in the contract. In each contract, the Secretary shall include such covenants, conditions, or provisions as he deems necessary to insure that the housing and related facilities, for which financial assistance is made available, be used only in conformity with the provisions of this section.

"(e) The Secretary shall prescribe regulations to insure that Federal funds expended under this section are not wasted or dissipated.

"(f) All laborers and mechanics employed by contractors or subcontractors on projects assisted by the Secretary which are undertaken by approved applicants under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary shall not extend any financial assistance under this section for any project

49 Stat. 1011;
Ante, p. 238.

without first obtaining adequate assurance that these labor standards will be maintained on the construction work; except that compliance with such standards may be waived by the Secretary in cases or classes of cases where laborers or mechanics, not otherwise employed at any time on the project, voluntarily donate their services without compensation for the purpose of lowering the costs of construction and the Secretary determines that any amounts thereby saved are fully credited to the person, corporation, association, organization, or other entity undertaking the project. The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z-15), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

63 Stat. 108.

“(g) As used in this section—

“(1) the term ‘low-rent housing’ means rental housing within the financial reach of families of low income consisting of (A) new structures suitable for dwelling use by domestic farm labor, and (B) existing structures which can be made suitable for dwelling use by domestic farm labor by rehabilitation, alteration, conversion, or improvement;

Ante, p. 796.

“(2) the terms ‘related facilities’ and ‘domestic farm labor’ shall have the meaning assigned to them in section 514(f); and

76 Stat. 671.

42 USC 1485.

42 USC 1483.

“(3) the term ‘development cost’ shall have the meaning assigned to it in section 515(d)(4).”

(b) Section 513 of such Act is amended by redesignating clauses “(c)” and “(d)” as clauses “(d)” and “(e)” respectively, and by inserting after the semicolon at the end of clause (b) the following: “(c)” not to exceed \$10,000,000 for financial assistance pursuant to section 516 for the period ending September 30, 1965;”

42 USC 1476.

(c) Section 506(a) of such Act is amended by striking out “sections 514 and 515”, each place it appears, and inserting in lieu thereof “sections 514-516”.

TITLE VI—COMMUNITY FACILITIES

PUBLIC FACILITY LOANS

75 Stat. 173.

42 USC 1492.

SEC. 601. (a) Section 202(a) of the Housing Amendments of 1955 is amended by striking out in clause (1) of the first sentence “instrumentalities of States” and inserting in lieu thereof “instrumentalities of one or more States”, and by striking out “in the same State” and inserting in lieu thereof “of one or more States”.

(b) Section 202(b)(4) of such Amendments is amended by—

(1) striking out “the second sentence of section 5(a) of the Area Redevelopment Act” and inserting in lieu thereof “section 5 of the Area Redevelopment Act”; and

75 Stat. 48.

42 USC 2504.

(2) inserting “(A)” before “to any municipality” in the first sentence, and by striking out everything following the phrase “most recent decennial census, or” in that sentence and inserting in lieu thereof the following: “; (B) to any public agency or instrumentality serving one or more municipalities, political subdivisions, or unincorporated areas in one or more States, unless each municipality, political subdivision, or unincorporated area to be served by the specific public work or facility for which assistance is sought under this section has a population less than the applicable figure under clause (A) according to such census.”

ADVANCES FOR PUBLIC WORKS PLANNING

SEC. 602. (a) Section 702(e) of the Housing Act of 1954 is amended to read as follows:

69 Stat. 641.
40 USC 462.

“(e) In order to provide moneys for advances in accordance with this section, the Administrator is hereby authorized to establish a revolving fund which shall comprise (1) all moneys heretofore or hereafter appropriated pursuant to this section, together with all repayments and other receipts heretofore or hereafter received in connection with advances made under this section, and (2) all repayments and other receipts received after June 30, 1964, and all advances (and claims in connection with advances) outstanding as of such date, under title V of the War Mobilization and Reconversion Act of 1944 (58 Stat. 791) and the Act of October 13, 1949 (63 Stat. 841-2). There are authorized to be appropriated to such revolving fund, in addition to amounts authorized to be appropriated for the purposes of this section prior to the date of the enactment of the Housing Act of 1964, such sums, not to exceed \$20,000,000, as may be necessary to carry out the purposes of this section.”

50 USC app.
1671 note.
40 USC 451-
458.

(b) Section 702 of such Act is further amended by adding at the end thereof the following new subsection:

“(h) (1) Notwithstanding any other provision of law, if a public agency or Indian tribe undertakes to construct only a portion of a public work planned with an advance under this section, under title V of the War Mobilization and Reconversion Act of 1944, or under the Act of October 13, 1949, it shall repay only such proportionate amount of the advance relating to the public work as the Administrator determines to be equitable.

“(2) The Administrator is authorized to terminate, upon such terms and conditions as he shall deem equitable, all or a portion of the liability for repayment of any advance made under this section, title V of the War Mobilization and Reconversion Act of 1944, or the Act of October 13, 1949. Whenever the Administrator determines that there is no reasonable likelihood that the public work, or a portion of the public work, planned with such advance will be constructed, he may terminate the agreement for the advance. Such determination shall be conclusive and shall be based on standards prescribed by regulations to be issued by the Administrator.”

(c) Section 702 of such Act is further amended—

(1) by striking out “public agencies” wherever that term appears in subsection (a) and inserting in lieu thereof “public agencies and Indian tribes”;

(2) by striking out “public agency” in clause (3) of subsection (b) and inserting in lieu thereof “public agency or Indian tribe”;

(3) by striking out “to any public agency” and “by the public agency” in subsection (c) and inserting in lieu thereof “to any public agency or Indian tribe” and “by the public agency or Indian tribe”, respectively, and by striking out “by such agency” in such subsection and inserting in lieu thereof “by such agency or tribe”; and

(4) by striking out “That if” and all that follows down through “*And provided further,*” in subsection (c).

(d) Section 702(f) of such Act is amended by striking out “\$50,000” and inserting in lieu thereof “\$100,000”.

73 Stat. 686.

(e) Section 702(a) of such Act is amended by inserting immediately before the first colon the following: “, including, in the case of public works to be constructed in connection with the development of a medical center, a general plan for the development of such center”.

(f) Section 702(b) of such Act is amended by striking out the last sentence.

TITLE VII—FEDERAL NATIONAL MORTGAGE
ASSOCIATION

POOLING OF MORTGAGES FOR SALE

68 Stat. 613.
12 USC 1717.

SEC. 701. (a) Section 302 of the National Housing Act is amended by adding at the end thereof a new subsection as follows:

12 USC 1722.

“(c) Notwithstanding any other provision of this Act or of any other law, the Association is authorized under section 306 to create, accept, execute, and otherwise administer in all respects such trusts, receiverships, conservatorships, liquidating or other agencies, or other fiduciary and representative undertakings and activities as might be appropriate for financing purposes; and in relation thereto the Association may acquire, hold and manage, dispose of, and otherwise deal in any first mortgages in which the United States or any agency or instrumentality thereof may have a financial interest. The Association may join in any such undertakings and activities notwithstanding that it is also serving in a fiduciary or representative capacity; and is authorized, consistent with section 307, to guarantee any participations or other instruments, whether evidence of property rights or debt, issued for such financing purposes. Any participations or other instruments so guaranteed shall to the same extent as securities issued or guaranteed by the United States or its instrumentalities be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission. The amounts of any mortgages acquired by the Association under section 306, pursuant to this subsection, shall not be included in the total amounts set forth in section 306(c).”

12 USC 1723c.

(b)(1) Section 311 of such Act is amended by inserting after “obligations” the following: “, participations, or other instruments”.

12 USC 1719,
1721.

(2) Sections 304(b) and 306(b) of such Act are amended respectively by striking out “or obligations which are lawful investments” and inserting in lieu thereof “or obligations, participations, or other instruments which are lawful investments”.

12 USC 1723b.

(3) Section 310 of such Act is amended by striking out “or in obligations which are lawful investments” and inserting in lieu thereof “or in obligations, participations, or other instruments which are lawful investments”.

12 USC 24.

(c) The penultimate sentence of paragraph Seventh of section 5136 of the Revised Statutes is amended by striking out “or obligations of the Federal National Mortgage Association” and inserting in lieu thereof “or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association”.

68 Stat. 622.
12 USC 1431.

(d)(1) Section 11(h) of the Federal Home Loan Bank Act is amended by striking out “in obligations of the Federal National Mortgage Association” and inserting in lieu thereof “in obligations, participations, or other instruments of or issued by the Federal National Mortgage Association”.

12 USC 1436.

(2) The last sentence of section 16 of such Act is amended by striking out “in obligations of the Federal National Mortgage Association” and inserting in lieu thereof “in obligations, participations, or other instruments of or issued by the Federal National Mortgage Association”.

72 Stat. 1213.

(e)(1) Section 1820 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

“(e)(1) The Administrator is authorized from time to time, as he determines advisable, to set aside first mortgage loans, and installment sale contracts, owned and held by him under this chapter as the basis for the sale of participation certificates as herein provided.

For this purpose the Administrator may enter into agreements, including trust agreements, with the Federal National Mortgage Association, and any other Federal agency, under which the Association as fiduciary may sell certificates of participation based on principal and interest collections to be received by the Administrator and the Association or any other such agency on first mortgage loans and installment sale contracts comprising mortgage pools established by them. The agreement may provide for substitution or withdrawal of mortgage loans, or installment sale contracts, or for substitution of cash for mortgages in the pool. The agreement shall provide that the Federal National Mortgage Association shall promptly pay to the Administrator the entire proceeds of any sale of certificates of participation to the extent such certificates are based on mortgages, including installment sale contracts, set aside by the Administrator and he shall periodically pay to the Association, as fiduciary, such funds as are required for payment of interest and principal due on outstanding certificates of participation to the extent of the pro rata amount allocated to the Administrator pursuant to the agreement. The agreement shall also provide that the Administrator shall retain ownership of mortgage loans and installment sale contracts set aside by him pursuant to the agreement unless transfer of ownership to the fiduciary is required in the event of default or probable default in the payment of participation certificates. The Administrator is authorized to purchase outstanding certificates of participation to the extent of the amount of his commitment to the fiduciary on participations outstanding and to pay his proper share of the costs and expenses incurred by the Federal National Mortgage Association as fiduciary pursuant to the agreement.

“(2) The Administrator shall proportionately allocate and deposit the entire proceeds received from the sale of participations into the funds established pursuant to sections 1823 and 1824 of this chapter, as determined on an estimated basis, and the amounts so deposited shall be available for the purposes of the funds. The Administrator may nevertheless make such allocations of that part of the proceeds of participation sales representing anticipated interest collections on mortgage loans, including installment sale contracts, on other than an estimated proportionate basis if determined necessary to assure payment of interest on advances theretofore made to the Administrator by the Secretary of the Treasury for direct loan purposes. The Administrator shall set aside and maintain necessary reserves in the funds established pursuant to sections 1823 and 1824 of this chapter to be used for meeting commitments pursuant to this subsection and, as he determines to be necessary, for meeting interest payments on advances by the Secretary of the Treasury for direct loan purposes.”

(2) Section 1823 of title 38, United States Code, is amended by—

(1) inserting before the period at the end of the last sentence of subsection (a) the following: “, and a reasonable reserve for meeting commitments pursuant to subsection 1820(e) of this title”; and

(2) inserting before the period at the end of the last sentence of subsection (c) the following: “and for the purposes of meeting commitments under subsection 1820(e) of this title”.

72 Stat. 1214.

Ante, p. 800.

FNMA—REMOVAL OF \$20,000 MORTGAGE AMOUNT LIMITATION

70 Stat. 1096.
12 USC 1717.
12 USC 1720.

SEC. 702. Section 302(b) of the National Housing Act is amended—
(1) by striking out “any mortgage” in clause (3) and inserting in lieu thereof “any mortgage under section 305”; and
(2) by striking out the proviso in clause (3).

FNMA—NINETY PER CENTUM LOANS

75 Stat. 176.
12 USC 1719.

SEC. 703. Section 304(a)(2) of the National Housing Act is amended by striking out “80 per centum” and inserting in lieu thereof “90 per centum.”

FNMA—PURCHASE OF PARTICIPATIONS

70 Stat. 1096.

SEC. 704. Section 304(d) of the National Housing Act is hereby repealed.

TITLE VIII—TRAINING AND FELLOWSHIP PROGRAMS

PART 1—FEDERAL-STATE TRAINING PROGRAMS

FINDINGS AND PURPOSE

SEC. 801. (a) The Congress finds that the rapid expansion of the Nation's urban areas and urban population has caused severe problems in urban and suburban development and created a national need to (1) provide special training in skills needed for economic and efficient community development and (2) support research in new or improved methods of dealing with community development problems.

(b) It is the purpose of this part to assist and encourage the States, in cooperation with public or private universities and colleges and urban centers, to (1) organize, initiate, develop, and expand programs which will provide special training in skills needed for economic and efficient community development to those technical and professional people who are, or are training to be, employed by a governmental or public body which has responsibilities for community development; and (2) support State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems.

MATCHING GRANTS TO STATES

SEC. 802. (a) Subject to the provisions of this part and in accordance with regulations prescribed by him, the Administrator may make matching grants to States to assist in—

(1) organizing, initiating, developing, or expanding programs to provide special training in skills needed for economic and efficient community development to those technical and professional people who are, or are training to be, employed by a governmental or public body which has responsibilities for community development; and

(2) supporting State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems, and collecting, collating, and publishing statistics and information relating to such research.

(b) No grants may be made to a State under this part unless the Administrator has approved a plan for the State which—

(1) sets forth the proposed use of the funds and the objectives to be accomplished;

(2) explains the method by which the required amounts from non-Federal sources will be obtained;

(3) provides such fiscal control and fund accounting procedures as may be reasonably necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under this part;

(4) designates an officer or agency of the State government who has responsibility and authority for the administration of a statewide research and training program as the officer or agency with responsibility and authority for the execution of the State program under this part; and

(5) provides that such officer or agency will make such reports to the Administrator, in such form, and containing such information, as may be reasonably necessary to enable the Administrator to perform his duties under this part.

(c) No grant may be made under this part for any use unless an amount at least equal to such grant is made available from non-Federal sources for the same purpose and for concurrent use.

(d) There is authorized to be appropriated for grants under this part, without fiscal year limitation, not to exceed \$10,000,000.

STATE LIMIT

SEC. 803. Not more than 10 per centum of the total amount authorized to be appropriated by section 802(d) may be used for making grants to any one State.

TECHNICAL ASSISTANCE, STUDIES, AND PUBLICATION OF INFORMATION

SEC. 804. In order to carry out the purpose of this part, the Administrator is authorized to provide technical assistance to State and local governmental or public bodies and to undertake such studies and publish and distribute such information, either directly or by contract, as he shall determine to be desirable. Nothing contained in this part shall limit any authority of the Administrator under any other provision of law.

MISCELLANEOUS

SEC. 805. (a) As used in this part, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands; and the term "Administrator" means the Housing and Home Finance Administrator.

"State."

(b) There are authorized to be appropriated such sums as may be necessary for administrative and other expenses in carrying out this part.

Appropriation.

PART 2—FELLOWSHIPS FOR CITY PLANNING AND URBAN STUDIES

SEC. 810. (a) There is hereby authorized to be appropriated not to exceed \$500,000 annually, for a three-year period commencing on July 1, 1964, to be used by the Housing and Home Finance Administrator for the purpose of providing fellowships for the graduate training of professional city planning and urban and housing technicians and specialists as herein provided. Persons shall be selected for such fellowships solely on the basis of ability and upon the recommendation of the Urban Studies Fellowship Advisory Board estab-

lished pursuant to subsection (b). Fellowships shall be solely for training in public and private nonprofit institutions of higher education having programs of graduate study in the field of city planning or in related fields (including architecture, civil engineering, economics, municipal finance, public administration, and sociology), which programs are oriented to training for careers in city and regional planning, housing, urban renewal, and community development.

Urban Studies
Fellowship Ad-
visory Board.
Establishment.

(b) There is hereby established the Urban Studies Fellowship Advisory Board (hereinafter referred to as the "Board"), which shall consist of nine members to be appointed by the Housing and Home Finance Administrator as follows: Three from public institutions of higher learning, and three from private nonprofit institutions of higher education, who are the heads of departments which provide academic courses appropriately related to the fields referred to in subsection (a), and three from national organizations which are directly concerned with problems relating to urban, regional, and community development. The Board shall meet upon the request of the Administrator and shall make recommendations to him with respect to persons to be selected for fellowships under this section. Members of the Board shall be entitled to receive transportation expenses and a per diem in lieu of subsistence as authorized for members of advisory committees created pursuant to section 601 of the Housing Act of 1949.

68 Stat. 645.
12 USC 1701h.

TITLE IX—SAVINGS AND LOAN ASSOCIATIONS

SEC. 901. (a) The first sentence of section 5(c) of the Home Owners' Loan Act of 1933 is amended by striking out "fifty miles" and inserting in lieu thereof "one hundred miles".

(b) The third sentence of section 403(b) of the National Housing Act is amended by striking out all that precedes the first semicolon and inserting in lieu thereof the following: "Each applicant for such insurance shall also file with its application an agreement that during the period that the insurance is in force it will not make any loans beyond one hundred miles from its principal office, except (1) loans in the area beyond such one-hundred-mile limit in which it was operating prior to June 27, 1934, and (2) loans which are made pursuant to regulations of the Corporation: *Provided*, That such agreement shall further provide that any loan made beyond fifty miles from the applicant's principal office (and outside the territory in which it was operating on such date) shall also be subject to such regulations".

SEC. 902. The first proviso in section 5(c) of the Home Owners' Loan Act of 1933 is amended—

(1) by striking out "\$35,000" and inserting in lieu thereof "\$40,000"; and

(2) by striking out "except that the aggregate sums invested pursuant to the two exceptions in this proviso shall not exceed 30 per centum of the assets of such association".

SEC. 903. The next to last paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended to read as follows:

"Without regard to any other provision of this subsection, any such association is authorized to invest not more than 5 per centum of its assets in, or in interests in, real property located within urban renewal areas as defined in subsection (a) of section 110 of the Housing Act of 1949 and obligations secured by first liens on real property so located, but no investment shall be made by an association under this sentence in real property or any interest therein if the aggregate investment of the association under this sentence in real property and interests therein, determined as prescribed by the Board, would thereupon exceed 2 per centum of the assets of the association."

68 Stat. 626.
42 USC 1460.

76 Stat. 778.
12 USC 1464.

12 USC 1726.

68 Stat. 634.
12 USC 1464.

SEC. 904. Section 5(c) of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof a new paragraph as follows:

12 USC 1464.

"For the purpose of this section the terms 'real property' and 'real estate' shall include a leasehold or subleasehold estate in real property under a lease or sublease the term of which does not expire, or which is renewable automatically or at the option of the holder (or at the option of the association) so as not to expire, for at least fifteen years beyond the maturity of the debt."

SEC. 905. Section 5(c) of the Home Owners' Loan Act of 1933 is further amended by adding at the end thereof (after the paragraph added by section 804 of this Act) the following new paragraph:

"Any such association is authorized to invest in the capital stock, obligations, or other securities of any corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of the association is located, if the entire capital stock of such corporation is available for purchase only by savings and loan associations of that State, District, Commonwealth, territory, or possession and by Federal savings and loan associations having their home offices therein, but no association may make any investment under this sentence if its aggregate outstanding investment under this sentence, determined as prescribed by the Board, would thereupon exceed 1 per centum of its assets."

SEC. 906. Section 10(b) of the Federal Home Loan Bank Act is amended—

61 Stat. 714;
76 Stat. 779.
12 USC 1430.

(1) by striking out "twenty-five" in clause (1) and inserting in lieu thereof "thirty"; and

(2) by striking out "\$35,000" in clause (2) and inserting in lieu thereof "\$40,000".

SEC. 907. The second proviso in the first paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended to read as follows: "*And provided further*, That any portion of the assets of such associations may be invested in obligations of, or fully guaranteed as to principal and interest by, the United States, or in the stock or bonds of a Federal Home Loan Bank, or in obligations, participations, or other instruments of or issued by, or fully guaranteed as to principal and interest by, the Federal National Mortgage Association or any other agency of the United States; or in general obligations of any State or of any political subdivision thereof; and as used in this proviso the term 'State' shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States".

12 USC 1464.

SEC. 908. The first sentence of the second paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended to read as follows: "Without regard to any other provision of this subsection except the area requirement, any such association is authorized to invest a sum not in excess of 20 per centum of the assets of such association in loans insured under title I of the National Housing Act, in home improvement loans insured under title II of the National Housing Act, in unsecured loans insured or guaranteed under the provisions of the Servicemen's Readjustment Act of 1944, as amended, or chapter 37 of title 38 of the United States Code, and in other loans for property alteration, repair, or improvement: *Provided*, That no such loan, unless so insured or guaranteed, shall be made in excess of \$5,000."

12 USC 1701-
1706d.
12 USC 1707-
1715y.

58 Stat. 284.
72 Stat. 1203.

SEC. 909. Title IV of the National Housing Act is amended by adding at the end thereof the following new section:

12 USC 1724-
1730a.

“INVESTMENT OF CERTAIN FUNDS IN ACCOUNTS OF INSURED INSTITUTIONS

“SEC. 409. The savings accounts and share accounts held by institutions insured by the Corporation, to the extent they are insured by the Corporation, shall be lawful investments and may be accepted as security for all public funds of the United States, fiduciary and trust funds under the authority or control of the United States or any officer or officers thereof, and for the funds of all corporations organized under the laws of the United States (subject to any regulatory authority otherwise applicable), regardless of any limitation of law upon the investment of any such funds or upon the acceptance of security for the investment or deposit of any of such funds.”

12 USC 1464.

SEC. 910. Section 5(c) of the Home Owners' Loan Act of 1933 is amended by inserting after the second paragraph the following new paragraph:

“Without regard to any other provision of this subsection, any such association is authorized to invest in loans, obligations, and advances of credit (all of which are hereinafter referred to as ‘loans’) made for the payment of expenses of college or university education, but no association shall make any investment in loans under this paragraph if the principal amount of its investment in such loans, exclusive of any investment which is or which at the time of its making was otherwise authorized, would thereupon exceed 5 per centum of its assets.”

TITLE X—MISCELLANEOUS

OPEN-SPACE PROGRAM—GRANT AUTHORIZATION

75 Stat. 184.
42 USC 1500a.

SEC. 1001. Section 702(b) of the Housing Act of 1961 is amended—

(1) by striking out “\$50,000,000” and inserting in lieu thereof “\$75,000,000”; and

(2) by adding at the end thereof the following: “All funds so appropriated shall remain available until expended.”

COLLEGE HOUSING

64 Stat. 80;
75 Stat. 173.
12 USC 1749c.

SEC. 1002. The second paragraph of section 404(b) of the Housing Act of 1950 is amended by striking out the period and inserting in lieu thereof the following: “: *Provided*, That where the law of any State in effect on the date of enactment of the Housing Act of 1964 prevents the institution or institutions, for whose students or students and faculty the housing is to be provided, from cosigning the note, the Administrator shall require the corporation and the proposed project to be approved by such institution (or by any one or more of such institutions) in lieu of such cosigning.”

ACQUISITION OF CERTAIN HOUSING BY SECRETARY OF DEFENSE

73 Stat. 683.
42 USC 1594a.

SEC. 1003. The first sentence of section 404(a) of the Housing Amendments of 1955 is amended by inserting before the period at the end thereof the following: “, or (3) any housing situated on or adjacent to a military installation which was (A) completed prior to July 1, 1952, (B) considered by the Department of Defense, prior to construction, as being necessary to meet an existing military family housing need and considered as military housing by the Federal Housing Commissioner, and (C) financed with mortgages insured under section 608 of the National Housing Act, including adjacent property constructed primarily to provide commercial facilities for the occupants of such housing”.

56 Stat. 303.
12 USC 1743.

REAL ESTATE LOANS BY NATIONAL BANKS

SEC. 1004. Clause (3) of the third sentence of the first paragraph of section 24 of the Federal Reserve Act is amended to read as follows: "(3) any such loan may be made in an amount not to exceed 80 per centum of the appraised value of the real estate offered as security and for a term not longer than twenty-five years if the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which the installment payments are sufficient to amortize the entire principal of the loan within the period ending on the date of its maturity, and".

69 Stat. 633;
73 Stat. 489.
12 USC 371.

FOREST HILLS PROJECT IN PADUCAH, KENTUCKY

SEC. 1005. The Federal Housing Commissioner is authorized and directed to sell to the Paducah-McCracken County Development Council, Incorporated, of Paducah, Kentucky, for use as a public facility (including such use by the Paducah Junior College as may be deemed appropriate by such Council), and for a total price of \$1,000,000, all right, title, and interest of the United States in and to the housing project in Paducah known as Forest Hills (a project constructed under title VIII of the National Housing Act as in effect prior to August 11, 1955, and subsequently acquired by the Federal Housing Administration).

63 Stat. 570.
12 USC 1748a-
1748h.

PAYMENT IN LIEU OF TAXES BY HAWAII HOUSING AUTHORITY

SEC. 1006. Notwithstanding the provisions of any other law or any contract or rule of law, the Public Housing Commissioner shall approve a payment in lieu of taxes to be made for the fiscal year ended June 30, 1959, in the amount of \$24,167.78, by the Hawaii Housing Authority to the city and county of Honolulu.

TRANSFER OF LAND FOR URBAN RENEWAL PURPOSES BY PHILADELPHIA HOUSING AUTHORITY

SEC. 1007. (a) Notwithstanding the provisions of title I of the Housing Act of 1949 and the United States Housing Act of 1937, the Housing and Home Finance Administrator and the Public Housing Commissioner are authorized and directed to consent to the transfer by the Philadelphia Housing Authority to the Philadelphia Redevelopment Authority of all property acquired by the Housing Authority for low-rent housing project numbered Pennsylvania 2-51, on condition that (1) an amount which, together with any funds of the Housing Authority available for the purpose, is sufficient to pay and discharge all obligations incurred by the Housing Authority in connection with such low-rent housing project and owing at the time of transfer, will be paid by the Redevelopment Authority to the Public Housing Administration to be applied in satisfaction of the Housing Authority's obligations which it cannot meet with its own funds available for the purpose, and (2) the total amount so paid by the Redevelopment Authority will be included in the gross project cost of its Whitman urban renewal project, Pennsylvania R-35.

42 USC 1441-
1464; Ante, p. 788.
50 Stat. 888.
42 USC 1430.

(b) The Housing and Home Finance Administrator and the Public Housing Commissioner are authorized to modify any contracts heretofore entered into and to take any other appropriate action necessary to carry out the provisions of subsection (a).

ELIGIBILITY OF CERTAIN LOCAL GRANTS-IN-AID

SEC. 1008. (a) Notwithstanding the date of the commencement of construction of the Fox Point hurricane dam in Providence, Rhode Island, local expenditures made in connection with such dam shall, to the extent otherwise eligible, be counted as a local grant-in-aid to the railroad relocation urban renewal project (Rhode Island R-8) in accordance with the provisions of title I of the Housing Act of 1949.

(b) Notwithstanding the provisions of section 112(b) of the Housing Act of 1949, expenditures made by the Methodist Hospital of Central Illinois, and Saint Francis Hospital, Peoria, Illinois, for the purchase of two parcels of land on or about June 25 and July 28, 1956, for a price of not more than \$82,980, shall if otherwise eligible be counted as local grants-in-aid to the Peoria "Medical Center" urban renewal project (Illinois R-61) in accordance with the remaining provisions of title I of that Act.

Approved September 2, 1964.

42 USC 1441-
1464; Ante, p. 788.

75 Stat. 169.
42 USC 1463.

Public Law 88-561

September 2, 1964
[H. R. 130]

AN ACT

To provide for the payment of compensation, including severance damages, for rights-of-way acquired by the United States in connection with reclamation projects the construction of which commenced after January 1, 1961.

Reclamation
projects.
Rights-of-way.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the existence of any reservation of right-of-way for canals under the Act of August 30, 1890 (26 Stat. 371, 391; 43 U.S.C. 945), the Secretary of the Interior shall pay just compensation, including severance damages, to the owners of private land utilized for ditches or canals in connection with any reclamation project, or any unit or any division of a reclamation project, provided the construction of said ditches or canals commenced after January 1, 1961, and such compensation shall be paid notwithstanding the execution of any agreements or any judgments entered in any condemnation proceeding, prior to the effective date of this Act.

Approved September 2, 1964.

Public Law 88-562

September 2, 1964
[H. R. 11338]

AN ACT

To remove certain conditions subject to which certain real property in South Boston, Massachusetts, was authorized to be conveyed to the Massachusetts Port Authority.

Massachusetts
Port Authority.
Land transfer,
repeal of con-
ditions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority, an instrumentality of the Commonwealth of Massachusetts, certain lands and improvements thereon comprising a portion of the so-called E Street Annex, South Boston Annex, Boston Naval Shipyard, in South Boston, Massachusetts, in exchange for certain other lands", approved July 7, 1960 (Public Law 86-602; 74 Stat. 355), is repealed.

Approved September 2, 1964.

Public Law 88-563

AN ACT

September 2, 1964
[H. R. 8000]

To amend the Internal Revenue Code of 1954 to impose a tax on acquisitions of certain foreign securities in order to equalize costs of longer-term financing in the United States and in markets abroad, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.Interest Equal-
ization Tax Act.

(a) **SHORT TITLE.**—This Act may be cited as the “Interest Equalization Tax Act”.

(b) **AMENDMENT OF 1954 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

68A Stat. 3.
26 USC 1 et seq.**SEC. 2. INTEREST EQUALIZATION TAX.**

(a) **IMPOSITION OF TAX.**—Subtitle D (relating to miscellaneous excise taxes) is amended by adding at the end thereof the following new chapter:

“CHAPTER 41—INTEREST EQUALIZATION TAX

“SUBCHAPTER A. Acquisitions of foreign stock and debt obligations.
“SUBCHAPTER B. Acquisitions by commercial banks.

“Subchapter A—Acquisitions of Foreign Stock and Debt Obligations

“Sec. 4911. Imposition of tax.

“Sec. 4912. Acquisitions.

“Sec. 4913. Limitation on tax on certain acquisitions.

“Sec. 4914. Exclusion for certain acquisitions.

“Sec. 4915. Exclusion for direct investments.

“Sec. 4916. Exclusion for investments in less developed countries.

“Sec. 4917. Exclusion for original or new issues where required for international monetary stability.

“Sec. 4918. Exemption for prior American ownership.

“Sec. 4919. Sales by underwriters and dealers to foreign persons.

“Sec. 4920. Definitions and special rules.

“SEC. 4911. IMPOSITION OF TAX.

“(a) **IN GENERAL.**—There is hereby imposed, on each acquisition by a United States person (as defined in section 4920(a)(4)) of stock of a foreign issuer, or of a debt obligation of a foreign obligor (if such obligation has a period remaining to maturity of 3 years or more), a tax determined under subsection (b).

Post, p. 837.

“(b) AMOUNT OF TAX.—

“(1) **STOCK.**—The tax imposed by subsection (a) on the acquisition of stock shall be equal to 15 percent of the actual value of the stock.

“(2) **DEBT OBLIGATIONS.**—The tax imposed by subsection (a) on the acquisition of a debt obligation shall be equal to a percentage of the actual value of the debt obligation measured by the

period remaining to its maturity and determined in accordance with the following table:

"If the period remaining to maturity is:	The tax, as a percentage of actual value, is:
"At least 3 years, but less than 3½ years-----	2.75 percent
At least 3½ years, but less than 4½ years-----	3.55 percent
At least 4½ years, but less than 5½ years-----	4.35 percent
At least 5½ years, but less than 6½ years-----	5.10 percent
At least 6½ years, but less than 7½ years-----	5.80 percent
At least 7½ years, but less than 8½ years-----	6.50 percent
At least 8½ years, but less than 9½ years-----	7.10 percent
At least 9½ years, but less than 10½ years-----	7.70 percent
At least 10½ years, but less than 11½ years-----	8.30 percent
At least 11½ years, but less than 12½ years-----	9.10 percent
At least 12½ years, but less than 13½ years-----	10.30 percent
At least 13½ years, but less than 14½ years-----	11.35 percent
At least 14½ years, but less than 15½ years-----	12.25 percent
At least 15½ years, but less than 16½ years-----	13.05 percent
At least 16½ years, but less than 17½ years-----	13.75 percent
At least 17½ years, but less than 18½ years-----	14.35 percent
At least 18½ years, but less than 19½ years-----	15.00 percent
28½ years or more-----	15.00 percent

"(c) PERSONS LIABLE FOR TAX.—

"(1) IN GENERAL.—The tax imposed by subsection (a) shall be paid by the person acquiring the stock or debt obligation involved.

"(2) CROSS REFERENCE.—

"For imposition of penalty on maker of false certificate in lieu of or in addition to tax on acquisition in certain cases, see section 6681.

"(d) TERMINATION OF TAX.—The tax imposed by subsection (a) shall not apply to any acquisition made after December 31, 1965.

"SEC. 4912. ACQUISITIONS.

"(a) IN GENERAL.—For purposes of this chapter, the term 'acquisition' means any purchase, transfer, distribution, exchange, or other transaction by virtue of which ownership is obtained either directly or through a nominee, custodian, or agent. A United States person acting as a fiscal agent in connection with the redemption or purchase for retirement of stock or debt obligations (whether or not acting under a trust arrangement) shall not be considered to obtain ownership of such stock or debt obligations. The exercise of a right to convert a debt obligation (as defined in section 4920(a)(1)) into stock shall be deemed an acquisition of stock from the foreign issuer by the person exercising such right. Any extension or renewal of an existing debt obligation requiring affirmative action of the obligee shall be considered the acquisition of a new debt obligation.

"(b) SPECIAL RULES.—For purposes of this chapter—

"(1) CERTAIN TRANSFERS TO FOREIGN TRUSTS.—Any transfer (other than in a sale or exchange for full and adequate consideration) of money or other property to a foreign trust shall, if such trust acquires stock or debt obligations (of one or more foreign issuers or obligors) the direct acquisition of which by the transferor would be subject to the tax imposed by section 4911, be deemed an acquisition by the transferor (as of the time of such transfer) of stock of a foreign issuer in an amount equal to the actual value of the money or property transferred or, if less, the actual value of the stock or debt obligations so acquired by such trust. Contributions made by an employer to a foreign pension or profit-sharing trust established by such employer for the exclusive benefit of employees (who are not owner-employees as defined in section 401(c)(3)) who perform personal services for such employer on a full-time basis in a foreign country, and contributions to a foreign pension or profit-sharing

Post, p. 835.

trust established by an employer, made by an employee who performs personal services for such employer on a full-time basis in a foreign country (and is not an owner-employee as defined in section 401(c)(3)), shall not be considered under the preceding sentence as transfers which may be deemed acquisitions of stock of a foreign issuer.

76 Stat. 812.
26 USC 401.

“(2) CERTAIN TRANSFERS.—

“(A) TRANSFERS TO FOREIGN CORPORATIONS AND PARTNERSHIPS.—Any transfer of money or other property to a foreign corporation or a foreign partnership—

“(i) as a contribution to the capital of such corporation or partnership, or

“(ii) in exchange for one or more debt obligations of such corporation or partnership, if it is a foreign corporation or partnership which is formed or availed of by the transferor for the principal purpose of acquiring (in the manner described in section 4915(c)(1)) an interest in stock or debt obligations the direct acquisition of which by the transferor would be subject to the tax imposed by section 4911,

Post, p. 826.

shall be deemed an acquisition by the transferor of stock of a foreign corporation or partnership in an amount equal to the actual value of the money or property transferred.

“(B) TRANSFERS TO FOREIGN BRANCHES.—If a domestic corporation or partnership transfers money or other property to, or applies money or other property for the benefit of, a branch office of such corporation or partnership with respect to which there is in effect an election under section 4920(a)(5)(E), or if funds are borrowed by such branch office from a bank (as defined in section 581), other than from a branch of such a bank located outside the United States lending such funds in the ordinary course of its business, such domestic corporation or partnership shall be deemed to have acquired stock of a foreign corporation or partnership in an amount equal to the actual value of the money or property transferred or applied, or the funds borrowed.

26 USC 581.

“(3) ACQUISITIONS FROM DOMESTIC CORPORATION OR PARTNERSHIP FORMED OR AVAILED OF TO OBTAIN FUNDS FOR FOREIGN ISSUER OR OBLIGOR.—The acquisition of stock or a debt obligation of a domestic corporation (other than a domestic corporation described in section 4920(a)(3)(B)), or a domestic partnership, formed or availed of for the principal purpose of obtaining funds (directly or indirectly) for a foreign issuer or obligor, shall be deemed an acquisition (from such foreign issuer or obligor) of stock or a debt obligation of such foreign issuer or obligor.

“(4) REORGANIZATION EXCHANGES.—Any acquisition of stock or debt obligations of a foreign issuer or obligor in an exchange to which section 354, 355, or 356 applies (or would, but for section 367, apply) shall be deemed an acquisition from the foreign issuer or obligor in exchange for its stock or for its debt obligations. For purposes of this paragraph, in determining whether section 354, 355, or 356 applies, or would apply, to any transaction—

26 USC 354-
356, 367.

“(A) such transaction shall, if it took place before the date of the enactment of this chapter, be treated as taking place on such date, and

“(B) section 368(a)(1)(B) shall be treated as permitting the receipt by a United States person of money or other property in addition to voting stock.

26 USC 368.

***SEC. 4913. LIMITATION ON TAX ON CERTAIN ACQUISITIONS.**

“(a) CERTAIN SURRENDERS, EXTENSIONS, RENEWALS, AND EXERCISES.—

“(1) GENERAL RULE.—If stock or a debt obligation of a foreign issuer or obligor is acquired by a United States person as the result of—

“(A) the surrender to the foreign obligor, for cancellation, of a debt obligation of such obligor;

“(B) the extension or renewal of an existing debt obligation requiring affirmative action of the obligee; or

“(C) the exercise of an option or similar right to acquire such stock or debt obligation (or of a right to convert a debt obligation into stock),

then the tax imposed on such acquisition shall not exceed the amount determined under paragraph (2) or (3).

“(2) GENERAL LIMITATION.—Except in cases to which paragraph (3) applies, the tax imposed upon an acquisition described in paragraph (1) shall be limited to—

“(A) the amount of tax imposed by section 4911, less

“(B) the amount of tax which would have been imposed under section 4911 if the debt obligation which was surrendered, extended, or renewed, or the option or right which was exercised, had been acquired in a transaction subject to such tax immediately before such surrender, extension, renewal, or exercise.

For purposes of this paragraph, a defaulted debt obligation of the government of a foreign country or a political subdivision thereof (or an agency or instrumentality of such a government) which has been in default as to principal for at least 10 years and which is surrendered in exchange for another debt obligation of that government (or agency or instrumentality) shall be deemed to have an actual value and period remaining to maturity equal to that of the debt obligation acquired.

“(3) SPECIAL LIMITATIONS.—

“(A) CONVERSIONS OF DEBT OBLIGATIONS INTO STOCK.—The tax imposed upon an acquisition of stock pursuant to the exercise of a right to convert a debt obligation (as defined in section 4920(a)(1)) into stock shall be limited to—

“(i) the amount of tax which would have been imposed by section 4911 if the debt obligation had been treated as stock at the time of its acquisition by the person exercising the right (or by a decedent from whom such person acquired the right by bequest or inheritance or by reason of such decedent's death), less

“(ii) the amount of tax paid by the person exercising the right (or by such decedent) as a result of the acquisition of the convertible debt obligation or, if such acquisition was not subject to the tax imposed by section 4911 the amount of tax which would have been imposed as a result of such acquisition if such acquisition had been subject to such tax.

“(B) EXERCISE OF CERTAIN SHAREHOLDERS' RIGHTS.—The tax imposed upon an acquisition of stock or a debt obligation of a foreign corporation by a United States person, where—

“(i) the stock or debt obligation is acquired pursuant to the exercise of an option or similar right to acquire such stock or debt obligation which was acquired by a

shareholder of such corporation in a distribution with respect to its stock, and

“(ii) such option or right is exercised within 90 days from the date of its distribution by such corporation, shall be limited to the amount of tax which would have been imposed by section 4911 if the price paid under such option or right were the actual value of the stock or debt obligation acquired.

“(C) CERTAIN EMPLOYEE STOCK OPTIONS.—The tax imposed upon an acquisition of stock of a foreign issuer by a United States person pursuant to the exercise of an option or similar right described in section 4914(a)(8) shall be limited to the amount of tax which would have been imposed under section 4911 if the price paid under such option or right were the actual value of the stock acquired.

“(b) CERTAIN TRANSFERS WHICH ARE DEEMED ACQUISITIONS.—The tax imposed upon an acquisition which is deemed to have been made by reason of a transfer of money or other property to a foreign trust, or a foreign corporation or partnership, as described in section 4912(b)(1) or (2)(A), shall be limited to—

“(1) the amount of tax imposed by section 4911, less

“(2) the amount of tax paid by the transferor as the result of the transfer being otherwise taxable as an acquisition under this chapter.

“(c) ACQUISITIONS BY CERTAIN DOMESTIC CORPORATIONS AND PARTNERSHIPS.—If stock or a debt obligation of a foreign issuer or obligor is acquired by a domestic corporation or a domestic partnership with funds obtained as the result of an acquisition by a United States person of stock or a debt obligation of such corporation or partnership which under section 4912(b)(3) is deemed an acquisition by such person of stock or a debt obligation of a foreign issuer or obligor, the tax imposed upon the acquisition by the domestic corporation or the domestic partnership shall be limited to—

“(1) the amount of tax imposed by section 4911, less

“(2) the amount of tax paid by the United States person from whom the funds were obtained on the acquisition by such person which under section 4912(b)(3) is deemed an acquisition of stock or a debt obligation of a foreign issuer or obligor.

“SEC. 4914. EXCLUSION FOR CERTAIN ACQUISITIONS.

“(a) TRANSACTIONS NOT CONSIDERED ACQUISITIONS.—The term ‘acquisition’ shall not include—

“(1) any transfer between a person and his nominee, custodian, or agent;

“(2) any transfer described in section 4343(a) (relating to certain transfers by operation of law from decedents, minors, incompetents, financial institutions, bankrupts, successors, foreign governments and aliens, trustees, and survivors);

“(3) any transfer by legacy, bequest, or inheritance to a United States person, or by gift to a United States person who is an individual;

“(4) any distribution by a corporation of its stock or debt obligations to a shareholder with respect to or in exchange for its stock;

“(5) any distribution to a shareholder by a corporation of stock or debt obligations owned by such corporation on July 18, 1963, in complete or partial liquidation of such corporation, to the extent such shareholder acquired his stock ownership in such corporation in a transaction other than in an acquisition excluded

72 Stat. 1297.
26 USC 4343.

from tax under subsection (b) of this section, or under section 4915, 4916, or 4917;

26 USC 361,
367.

“(6) any exchange to which section 361 applies (or would, but for section 367, apply), where the transferor corporation was a domestic corporation and was engaged in the active conduct of a trade or business, other than as a dealer in securities, immediately before the date on which the assets involved are transferred to the acquiring corporation;

Post, p. 836.

“(7) any exercise of a right to convert indebtedness, pursuant to its terms, into stock, if such indebtedness is treated as stock pursuant to section 4920(a)(2)(D); or

“(8) the grant of a stock option or similar right to a United States person who is an individual, for any reason connected with his employment by a corporation, if such option or right (A) is granted by the employer corporation, or its parent or subsidiary corporation, to purchase stock of any such corporations, and (B) by its terms is not transferable by such United States person otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him.

“(b) EXCLUDED ACQUISITIONS.—The tax imposed by section 4911 shall not apply to the acquisition—

“(1) THE UNITED STATES.—Of stock or debt obligations by an agency or wholly owned instrumentality of the United States.

“(2) COMMERCIAL BANK LOANS.—

“(A) Of debt obligations by a commercial bank in making loans in the ordinary course of its commercial banking business.

“(B) Of stock or debt obligations by a commercial bank through foreclosure, where such stock or debt obligations were held as security for loans made in the ordinary course of its commercial banking business.

“(3) ACQUISITIONS REQUIRED UNDER FOREIGN LAW.—Of stock or debt obligations by a United States person doing business in a foreign country to the extent that such acquisitions are reasonably necessary to satisfy minimum requirements relating to holdings of stock or debt obligations of foreign issuers or obligors imposed by the laws of such foreign country; except that if any of such requirements relate to the holding of insurance reserves, the exclusion otherwise allowable under this paragraph with respect to acquisitions made by such United States person during any calendar year shall be reduced by the maximum amount of the exclusion which could be allowed under subsection (e) with respect to acquisitions made by such person during that year, or by the amount of the insurance reserves which must be held in order to satisfy such requirements, whichever is less.

“(4) ACQUISITIONS IN LIEU OF PAYMENT OF FOREIGN TAX.—Of stock or debt obligations by a United States person doing business in a foreign country, to the extent such acquisition is made, in conformity with the laws of such foreign country, as a substitute for the payment of tax to such foreign country.

“(5) ACQUISITIONS OF STOCK IN COOPERATIVE HOUSING CORPORATIONS.—Of stock of a foreign corporation which entitles the holder, solely by reason of his ownership of such stock, to occupy for dwelling purposes a house, or an apartment in a building, owned or leased by such corporation.

“(6) EXPORT CREDIT, ETC., TRANSACTIONS.—Of stock or debt obligations arising from the sale of property or services by United States persons, to the extent provided in subsection (c).

"(7) LOANS TO ASSURE RAW MATERIALS SOURCES.—Of debt obligations by United States persons in connection with loans made to foreign corporations to assure raw materials sources, to the extent provided in subsection (d).

"(8) ACQUISITIONS BY INSURANCE COMPANIES DOING BUSINESS IN FOREIGN COUNTRIES.—Of stock or debt obligations by insurance companies doing business in foreign countries, to the extent provided in subsection (e).

"(9) ACQUISITIONS BY CERTAIN TAX-EXEMPT LABOR, FRATERNAL, AND SIMILAR ORGANIZATIONS HAVING FOREIGN BRANCHES OR CHAPTERS.—Of stock or debt obligations by certain tax-exempt United States persons operating in foreign countries through local organizations, to the extent provided in subsection (f).

"(10) ACQUISITIONS OF DEBT OBLIGATIONS ON SALE OR LIQUIDATION OF WHOLLY OWNED FOREIGN SUBSIDIARIES.—Of debt obligations acquired in connection with the sales or liquidation of a wholly owned foreign corporation, to the extent provided in subsection (g).

"(11) ACQUISITIONS OF DEBT OBLIGATIONS ARISING OUT OF PURCHASE OF REAL PROPERTY LOCATED IN THE UNITED STATES.—Of debt obligations secured by real property located in the United States and arising out of the purchase of such property from United States persons, to the extent provided in subsection (h).

"(12) ACQUISITIONS BY UNITED STATES PERSONS RESIDING IN FOREIGN COUNTRIES OF STOCK OF CERTAIN FOREIGN ISSUERS INVESTING EXCLUSIVELY IN THE UNITED STATES.—Of stock of foreign issuers investing exclusively in the United States by United States persons residing in foreign countries, to the extent provided in subsection (i).

"(c) EXPORT CREDIT, ETC., TRANSACTIONS.—

"(1) IN GENERAL.—The tax imposed by section 4911 shall not apply to the acquisition from a foreign obligor of a debt obligation arising out of the sale of tangible personal property or services (or both) to such obligor by any United States person, if—

"(A) payment of such debt obligation (or of any related debt obligation arising out of such sale) is guaranteed or insured, in whole or in part, by an agency or wholly owned instrumentality of the United States; or

"(B) the United States person acquiring such debt obligation makes the sale in the ordinary course of his trade or business and not less than 85 percent of the purchase price is attributable to the sale of property manufactured, produced, grown, or extracted in the United States, or to the performance of services by such United States person (or by one or more includible corporations in an affiliated group, as defined in section 1504, of which such person is a member), or to both.

26 USC 1504.

The term 'services', as used in this paragraph and paragraph (2), shall not be construed to include functions performed as an underwriter.

"(2) ALTERNATE RULE FOR PRODUCING EXPORTERS.—The tax imposed by section 4911 shall not apply to the acquisition by a United States person from a foreign issuer or obligor of its stock in payment for, or of a debt obligation arising out of, the sale of tangible personal property or services (or both) to such issuer or obligor, if

"(A) at least 30 percent of the purchase price, or 60 percent of the actual value of the stock or debt obligation acquired, is attributable to the sale of property manufactured, pro-

26 USC 1504.

duced, grown, or extracted in the United States by such United States person (or by one or more includible corporations in an affiliated group, as defined in section 1504, of which such person is a member), or to the performance of services by such United States person (or by one or more such corporations), or to both, and

“(B) at least 50 percent of the purchase price, or 100 percent of the actual value of the stock or debt obligation acquired, is attributable to the sale of property manufactured, produced, grown, or extracted in the United States, or to the performance of services by United States persons, or to both.

“(3) CERTAIN INTERESTS IN INTANGIBLE PERSONAL PROPERTY.—The tax imposed by section 4911 shall not apply to the acquisition by a United States person from a foreign issuer or obligor of its stock in payment for, or of a debt obligation arising out of, the sale or license to such issuer or obligor of—

“(A) any interest in patents, inventions, models or designs (whether or not patented), copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, or other like property (or any combination thereof), or

“(B) any such interest together with services to be performed in connection with any such interest sold or licensed by such United States person (or by one or more includible corporations in an affiliated group, as defined in section 1504, of which such person is a member),

if not less than 85 percent of the purchase price, or license fee, is attributable to the sale or license of any interest in property described in subparagraph (A) which was produced, created, or developed in the United States by such United States person (or by one or more such includible corporations), or is attributable to the sale or license of any interest in such property so produced, created, or developed and to the performance of services described in subparagraph (B).

“(4) EXPORT-RELATED LOANS.—The tax imposed by section 4911 shall not apply to the acquisition from a foreign obligor by a United States person of a debt obligation arising out of a loan made to the obligor to increase or maintain sales of tangible personal property produced, grown, or extracted in the United States by such United States person (or by one or more includible corporations in an affiliated group, as defined in section 1504, of which such person is a member), but only if the proceeds of the loan will be used by the obligor for the installation, maintenance, or improvement of facilities outside the United States which (during the period the loan is outstanding) will be used for the storage, handling, transportation, processing, packaging, or servicing of property a substantial portion of which is tangible personal property produced, grown, or extracted in the United States by such person (or one or more such corporations).

“(5) OTHER LOANS RELATED TO CERTAIN SALES BY UNITED STATES PERSONS.—The tax imposed by section 4911 shall not apply to the acquisition from a foreign obligor by a United States person of a debt obligation of such obligor if such debt obligation—

“(A) was received by such United States person as all or part of the purchase price provided in a contract under which the foreign obligor agrees to purchase for a period of 3 years or more ores or minerals (or derivatives thereof)—

“(i) extracted outside the United States by such United States person or by one or more includible corpo-

rations in an affiliated group (as defined in section 48(c)(3)(C)) of which such United States person is a member,

76 Stat. 969.
26 USC 48.

“(ii) extracted outside the United States by a corporation at least 10 percent of the total combined voting power of all classes of stock of which is owned, directly or indirectly, by such United States person, by one or more such includible corporations, or by domestic corporations which own, directly or indirectly, at least 50 percent of the total combined voting power of all classes of stock of such United States person,

“(iii) obtained under a contract entered into on or before July 18, 1963, by such United States person, by one or more such includible corporations, or by such domestic corporations, or

“(iv) extracted outside the United States and obtained by such United States person, by one or more such includible corporations, or by such domestic corporations in exchange for similar ores or minerals (or derivatives thereof) described in clause (i), (ii), or (iii); or

“(B) arises out of a loan (made by such United States person to such foreign obligor) the proceeds of which will be used by such obligor (or by a person controlled by, or controlling, such obligor) for the installation, maintenance, or improvement of facilities outside the United States which (during the period the loan is outstanding) will be used for the storage, handling, transportation, processing, or servicing of ores or minerals (or derivatives thereof) a substantial portion of which is extracted outside the United States by such United States person or by a corporation referred to in clause (i) or (ii) of subparagraph (A), is obtained under a contract described in clause (iii) of subparagraph (A), or is obtained in an exchange described in clause (iv) of subparagraph (A).

“(6) CROSS REFERENCE.—

“For loss of exclusion otherwise allowable under this subsection in case of certain subsequent transfers, see subsection (j).

“(d) LOANS TO ASSURE RAW MATERIALS SOURCES.—

“(1) GENERAL RULE.—The tax imposed by section 4911 shall not apply to the acquisition by a United States person of a debt obligation arising out of a loan made by such person to a foreign corporation, if—

“(A) such foreign corporation extracts or processes ores or minerals the available deposits of which in the United States are inadequate to satisfy the needs of domestic producers;

“(B) United States persons own at the time of such acquisition at least 50 percent of the total combined voting power of all classes of stock of such foreign corporation; and

“(C) such loan will be amortized under a contract or contracts in which persons owning stock of such corporation (including at least one of the United States persons referred to in subparagraph (B)) agree to pay during the period remaining to maturity of such obligation, by purchasing a part of the production of such corporation or otherwise, a portion of such corporation's costs of operation and costs of amortizing outstanding loans.

“(2) **LIMITATION.**—The exclusion from tax provided by paragraph (1) shall apply to the acquisition of any debt obligation of a foreign corporation only to the extent that—

“(A) the applicable percentage of (i) the actual value of the debt obligation acquired, plus (ii) the actual value (determined as of the time of such acquisition) of all other debt obligations representing loans which were theretofore made to the foreign corporation during the same calendar year and which are amortizable under contracts of the type described in paragraph (1) (C), exceeds

“(B) the actual value of the debt obligations described in subparagraph (A) (ii) representing loans made by United States persons, to the extent that the acquisition of such obligations was excluded from tax under this subsection.

As used in this paragraph with respect to the acquisition of a debt obligation, the term ‘applicable percentage’ means the lesser of (i) the percentage of the total combined voting power of all classes of stock of the foreign corporation which is owned by United States persons at the time of such acquisition, or (ii) the percentage of the corporation’s operating and amortization costs for the calendar year which all such United States persons have agreed to pay (as of the time of such acquisition) under contracts of the type described in paragraph (1) (C).

“(e) **ACQUISITIONS BY INSURANCE COMPANIES DOING BUSINESS IN FOREIGN COUNTRIES.**—

“(1) **IN GENERAL.**—The tax imposed by section 4911 shall not apply to the acquisition of stock or a debt obligation by a United States person which is an insurance company subject to taxation under section 802, 821, or 831, if such stock or debt obligation is designated (in accordance with paragraph (3)) as part of a fund of assets established and maintained by such insurance company (in accordance with paragraph (2)) with respect to foreign risks insured or reinsured by such company under contracts (including annuity contracts) the proceeds of which are payable only in the currency of a foreign country. As used in this subsection, the term ‘foreign risks’ means risks in connection with property outside, or liability arising out of activity outside, or in connection with the lives or health of residents of countries other than, the United States.

“(2) **ESTABLISHMENT AND MAINTENANCE OF FUND OF ASSETS.**—Each insurance company which desires to obtain the benefit of exclusions under this subsection shall (as a condition of entitlement to any such exclusion) establish and maintain a fund (or funds) of assets in accordance with this paragraph and paragraph (3). A life insurance company (as defined in section 801(a)) shall establish such a fund of assets separately for each foreign currency (other than the currency of a country which qualifies as a less developed country) in which the proceeds of its insurance contracts are payable and for which insurance reserves are maintained by such company, and with respect to which it desires to obtain the benefits of exclusions under this subsection; and the preceding sentence shall be applied separately to each such fund in determining the company’s entitlement to exclude acquisitions of stock and debt obligations designated as a part thereof. An insurance company other than a life insurance company (as so defined) shall establish a single fund of assets for all foreign currencies (other than currencies of countries which qualify as less developed countries at the time of the initial designation) in which the proceeds of its insurance contracts are

73 Stat. 115;
76 Stat. 989, 997.
26 USC 802,
821, 831.

73 Stat. 112.
26 USC 801.

payable and for which insurance reserves are maintained by such company.

“(3) DESIGNATION OF ASSETS.—

“(A) INITIAL DESIGNATION.—

“(i) REQUIREMENT OF INITIAL DESIGNATION.—An insurance company desiring to establish a fund (or funds) of assets under paragraph (2) shall initially designate, as part or all of such fund (or funds), stock and debt obligations owned by it on July 18, 1963, as follows: First, stock of foreign issuers, and debt obligations of foreign obligors having a period remaining to maturity (on July 18, 1963) of 3 years or more and payable in foreign currency; second, if the company so elects, debt obligations of foreign obligors having a period remaining to maturity (on July 18, 1963) of less than 3 years and payable in foreign currency; and third, debt obligations of foreign obligors having a period remaining to maturity (on July 18, 1963) of 3 years or more and payable solely in United States currency. The designation under the preceding sentence with respect to any fund shall be made, in the order set forth, to the extent that the adjusted basis (within the meaning of section 1011) of the designated stock and debt obligations was (on July 18, 1963) not in excess of 110 percent of the allowable reserve applicable to such fund (determined in accordance with paragraph (4) (B) (ii)), and shall in no case include any stock or debt obligation described in section 4916(a).

26 USC 1011.

Post, p. 827.

“(ii) TIME AND MANNER OF INITIAL DESIGNATION.—

Any initial designation which an insurance company is required to make under this subparagraph shall be made on or before the 30th day after the date of the enactment of this chapter (or at such later time as the Secretary or his delegate may by regulations prescribe) by the segregation on the books of such company of the stock or debt obligations (or both) designated.

“(B) CURRENT DESIGNATIONS TO MAINTAIN FUND.—To the extent permitted by subparagraph (E), stock of a foreign issuer or a debt obligation of a foreign obligor acquired by an insurance company after July 18, 1963, may be designated as part of a fund of assets described in paragraph (2), if such designation is made before the expiration of 30 days after the date of such acquisition and the company continues to own the stock or debt obligation until the time the designation is made; except that any such stock or debt obligation acquired before the initial designation of assets to the fund is actually made as provided in subparagraph (A) (ii) may be designated under this subparagraph at the time of such initial designation without regard to such 30-day and continued ownership requirements.

“(C) ADDITIONAL DESIGNATIONS AFTER CLOSE OF YEAR.—If the adjusted basis of the assets held in a fund of assets described in paragraph (2) at the close of a calendar year after 1963 is less than 110 percent of the allowable reserve applicable to such fund at the close of such year, the insurance company may, to the extent permitted by subparagraph (E), designate additional stock or debt obligations (or both) which were acquired during such calendar year as part of such fund, so long as the company still owns such stock or debt obliga-

tions at the time of designation. Any designation under this subparagraph shall be made on or before January 31 following the close of the calendar year. Any tax paid by such company under section 4911 on the acquisition of the additional stock or debt obligations so designated shall constitute an overpayment of tax; and, under regulations prescribed by the Secretary or his delegate, credit or refund (without interest) shall be allowed or made with respect to such overpayment.

“(D) SUPPLEMENTAL REQUIRED DESIGNATIONS AFTER CLOSE OF YEAR.—If during any calendar year an insurance company acquires stock or debt obligations which are excluded from the tax imposed by section 4911 under an Executive order described in section 4917, and if at the close of the calendar year (and after the designation of additional assets under subparagraph (C)) the adjusted basis of all assets in a fund described in paragraph (2) is less than 110 percent of the allowable reserve applicable to such fund, such company shall, to the extent permitted by subparagraph (E), designate as part of such fund stock and debt obligations acquired by it during the calendar year and owned by it at the close of the calendar year, as follows: First, stock, and debt obligations having a period remaining to maturity (on the date of acquisition) of 3 years or more and payable in foreign currency, which were excluded from the tax imposed by section 4911 under such Executive order; second, if the company so elects, debt obligations of foreign obligors having a period remaining to maturity (on the date of acquisition) of less than 3 years and payable in foreign currency; and third, debt obligations having a period remaining to maturity (on the date of acquisition) of 3 years or more and payable solely in United States currency, which were excluded from the tax imposed by section 4911 under such Executive order. The designations under this subparagraph shall be made on or before January 31 following the close of the calendar year.

“(E) LIMITATIONS.—

“(i) IN GENERAL.—Stock or a debt obligation may be designated under subparagraph (B), (C), or (D) as part of a fund of assets described in paragraph (2) only to the extent that, immediately after such designation, the adjusted basis of all the assets held in such fund does not exceed 110 percent of the applicable allowable reserve (determined in accordance with paragraph (4) (B) (i)). To the extent any designation of stock or a debt obligation exceeds the amount permitted by the preceding sentence, such designation shall be ineffective and the provisions of this chapter shall apply with respect to the acquisition of such stock or debt obligation as if such designation had not been made.

“(ii) SHORT-TERM OBLIGATIONS.—No designation may be made under subparagraph (B) or (C) of any debt obligation which has a period remaining to maturity (on the date of acquisition) of less than 3 years.

“(4) DETERMINATION OF RESERVES.—

“(A) GENERAL RULE.—For purposes of this subsection, the term ‘allowable reserve’ means—

“(i) in the case of a life insurance company (as defined in section 801(a)), the items taken into account under section 810(c) arising out of contracts of insurance

Post, p. 830.

and reinsurance (including annuity contracts) which relate to foreign risks and the proceeds of which are payable in a single foreign currency (other than the currency of a less developed country); and

“(ii) in the case of an insurance company other than a life insurance company (as so defined), the amount of its unearned premiums (under section 832(b)(4)) and unpaid losses (under section 832(b)(5)) which relate to foreign risks insured or reinsured under contracts providing for payment in foreign currencies (other than currencies of less developed countries) and which are taken into account in computing taxable income under section 832 (for such purpose treating underwriting income of an insurance company subject to taxation under section 821 as taxable income under section 832).

26 USC 832.

76 Stat. 989.
26 USC 821.

“(B) TIME OF DETERMINATION.—

“(i) IN GENERAL.—For purposes of paragraph (3) (other than subparagraph (A) of such paragraph), the determination of an allowable reserve for any calendar year shall be made as of the close of such year.

“(ii) INITIAL DESIGNATION.—For purposes of paragraph (3)(A), the determination of an allowable reserve shall be made as of July 18, 1963. If the insurance company so elects, the determination under this clause may be made by computing the mean of the allowable reserve at the beginning and at the close of the calendar year 1963.

“(5) NONRECOGNITION OF ARTIFICIAL INCREASES IN ALLOWABLE RESERVE.—An insurance or reinsurance contract which is entered into or acquired by an insurance company for the principal purpose of artificially increasing the amount determined as an allowable reserve as provided in paragraph (4) shall not be recognized in computing whether an acquisition of stock or a debt obligation of a foreign issuer or obligor can be excluded under this subsection.

“(f) ACQUISITIONS BY CERTAIN TAX-EXEMPT LABOR, FRATERNAL, AND SIMILAR ORGANIZATIONS HAVING FOREIGN BRANCHES OR CHAPTERS.—The tax imposed by section 4911 shall not apply to the acquisition of stock or debt obligations by a United States person which is described in section 501(c) and exempt from taxation under subtitle A, and which operates in a foreign country through a local organization or organizations, to the extent that—

26 USC 501.

“(1) such acquisition results from the investment or reinvestment of contributions or membership fees paid in the currency of such country by individuals who are members of the local organization or organizations, and

“(2) the stock or debt obligations acquired are held exclusively for the benefit of the members of any of such local organizations.

“(g) SALE OR LIQUIDATION OF WHOLLY OWNED FOREIGN SUBSIDIARY.—

“(1) IN GENERAL.—The tax imposed by section 4911 shall not apply to the acquisition by a United States person of a debt obligation of a foreign obligor if the debt obligation is acquired—

“(A) in connection with the sale by such United States person (or by one or more includible corporations in an affiliated group, as defined in section 48(c)(3)(C), of which such United States person is a member) of all of the outstanding stock, except for qualifying shares, of a foreign corporation; or

76 Stat. 969.
26 USC 48.

“(B) in connection with the liquidation by such United States person (or by one or more such includible corporations) of a foreign corporation all of the outstanding stock of which, except for qualifying shares, is owned by such United States person (or by one or more such includible corporations), but only if such debt obligation had been received by such foreign corporation as part or all of the purchase price in a sale of substantially all of its assets.

“(2) LIMITATION.—Paragraph (1) shall not apply to the acquisition of a debt obligation if any of the stock sold or surrendered in connection with its acquisition was originally acquired with the intent to sell or surrender.

“(h) CERTAIN DEBT OBLIGATIONS SECURED BY UNITED STATES MORTGAGES, ETC.—

“(1) IN GENERAL.—The tax imposed by section 4911 shall not apply to the acquisition from a foreign obligor by a United States person of a debt obligation of such foreign obligor which is secured by real property located in the United States, to the extent that—

“(A) the debt obligation is a part of the purchase price of such real property (or of such real property and related personal property); or

“(B) the debt obligation arises out of a loan made by such United States person to the foreign obligor the proceeds of which are concurrently used as part of the purchase price of such real property (or of such real property and related personal property).

“(2) LIMITATION.—Paragraph (1) shall apply to the acquisition of a debt obligation only if—

“(A) the owner of the property sold is a United States person; and

“(B) at least 25 percent of the purchase price of the property sold is, at the time of such sale, paid in United States currency to such United States person by the foreign obligor from funds not obtained from United States persons for the purpose of purchasing such property.

“(3) RELATED PERSONAL PROPERTY.—For purposes of paragraph (1), the term ‘related personal property’ means personal property which is sold in connection with the sale of real property for use in the operation of such real property.

“(i) ACQUISITIONS OF STOCK OF FOREIGN ISSUERS INVESTING EXCLUSIVELY IN THE UNITED STATES.—

“(1) IN GENERAL.—The tax imposed by section 4911 shall not apply to the acquisition from a foreign issuer of its stock by a United States person who is a bona fide resident of a foreign country within the meaning of section 911(a)(1), or who at the time of such acquisition is regularly performing personal services on a full-time basis in a foreign country, if at the close of each calendar quarter ending on or after June 30, 1963, preceding such acquisition, during any part of which such foreign issuer is in existence—

“(A) the assets of such foreign issuer, exclusive of money or deposits with persons carrying on the banking business, consist solely of:

“(i) stock or debt obligations of domestic corporations (other than a corporation which has elected under section 4920(a)(3)(B) to be treated as a foreign issuer or obligor for purposes of this chapter);

“(ii) debt obligations of the United States, or of any State or possession of the United States, or any political subdivision of any State or possession; or

“(iii) debt obligations of citizens or residents of the United States;

“(B) money and deposits with persons carrying on the banking business (other than banks as defined in section 581) constitute less than 5 percent of the value of the assets of such foreign issuer; and

26 USC 581.

“(C) less than 25 percent of each class of issued and outstanding stock of such foreign issuer is held of record by United States persons.

“(2) ACQUISITIONS THROUGH UNIT INVESTMENT TRUSTS.—For purposes of paragraph (1), an acquisition of an interest in a unit investment trust (within the meaning of section 4(2) of the Investment Company Act of 1940), or in an entity performing similar custodial functions, shall be deemed a direct acquisition from the foreign issuer of the stock held by such trust or entity with respect to such interest and shall not be treated as an acquisition of stock issued by such trust or entity.

54 Stat. 799,
15 USC 80a-4.

“(3) LIMITATIONS.—

“(A) Paragraph (1) shall apply only to that portion of the total acquisitions of stock of foreign issuers described in such paragraph (determined in the order acquired) by a United States person in any one calendar year that does not exceed \$5,000.

“(B) If, after July 30, 1964, a United States person sells or otherwise disposes of stock the acquisition of which was excluded under paragraph (1) from the tax imposed by section 4911, such person shall not, with respect to such stock, be considered a United States person.

“(j) LOSS OF ENTITLEMENT TO EXCLUSION IN CASE OF CERTAIN SUBSEQUENT TRANSFERS.—

“(1) IN GENERAL.—

“(A) Where an exclusion provided by paragraph (1) (B), (2), (3), (4), or (5) of subsection (c), or the exclusion provided by subsection (d), has applied with respect to the acquisition of a debt obligation by any person, but such debt obligation is subsequently transferred by such person (before the termination date specified in section 4911(d)) to a United States person otherwise than—

“(i) to any agency or wholly-owned instrumentality of the United States;

“(ii) to a commercial bank acquiring the obligation in the ordinary course of its commercial banking business;

“(iii) in the case of an exclusion provided by paragraph (1) (B), (2), or (3) of subsection (c), to any transferee where the extension of credit by such person and the acquisition of the debt obligation related thereto were reasonably necessary to accomplish the sale of property or services out of which the debt obligation arose, and the terms of the debt obligation are not unreasonable in light of credit practices in the business in which such person is engaged; or

“(iv) in a transaction described in subsection (a) (1) or (2), or a transaction (other than a transfer by gift) described in subsection (a) (3).

then liability for the tax imposed by section 4911 (in an amount determined under subparagraph (D) of this paragraph) shall be incurred by the transferor (with respect to such debt obligation) at the time of such subsequent transfer.

“(B) Where the exclusion provided by paragraph (2) or (3) of subsection (c) has applied with respect to the acquisition of stock by any person, but such stock is subsequently transferred by such person (before the termination date specified in section 4911(d)) to a United States person otherwise than in a transaction described in subsection (a) (1) or (2), or a transaction (other than a transfer by gift) described in subsection (a) (3), then liability for the tax imposed by section 4911 (in an amount determined under subparagraph (D) of this paragraph) shall be incurred by the transferor (with respect to such stock) at the time of such subsequent transfer.

“(C) Where the exclusion provided by subsection (f) has applied with respect to the acquisition of stock or a debt obligation by any person, but such stock or debt obligation is subsequently transferred by such person (before the termination date specified in section 4911(d)) to any United States person, then liability for the tax imposed by section 4911 (in an amount determined under subparagraph (D) of this paragraph) shall be incurred by the transferor (with respect to such stock or debt obligation) at the time of such subsequent transfer.

“(D) In any case where an exclusion provided by paragraph (1) (B), (2), (3), (4), or (5) of subsection (c) or by subsection (d) or (f) has applied, but a subsequent transfer described in subparagraph (A), (B), or (C) of this paragraph occurs and liability for the tax imposed by section 4911 is incurred by the transferor as a result thereof, the amount of such tax shall be equal to the amount of tax for which the transferor would have been liable under such section upon his acquisition of the stock or debt obligation involved if such exclusion had not applied with respect to such acquisition.

“(2) UNITED STATES PERSON TREATED AS FOREIGN PERSON ON DISPOSITION OF CERTAIN SECURITIES.—For purposes of this chapter, if, after December 10, 1963, a United States person sells or otherwise disposes of stock or a debt obligation which it—

“(A) acquired to satisfy minimum requirements imposed by foreign law and with respect to which it claimed an exclusion under subsection (b) (3), or

“(B) designated (or was required to designate) as part of a fund of assets under subsection (e),
such person shall not, with respect to that stock or debt obligation, be considered a United States person.

“SEC. 4915. EXCLUSION FOR DIRECT INVESTMENTS.

“(a) IN GENERAL.—

“(1) EXCLUDED ACQUISITIONS.—Except as provided in subsections (c) and (d) of this section, the tax imposed by section 4911 shall not apply to the acquisition by a United States person (A) of stock or a debt obligation of a foreign corporation, or of a debt obligation from a foreign corporation which received such obligation in the ordinary course of its trade or business as a result of the sale or rental of products manufactured or assembled by it or of the performance of services by it, if immediately after the acquisition such person (or one or more

includible corporations in an affiliated group, as defined in section 1504, of which such person is a member) owns (directly or indirectly) 10 percent or more of the total combined voting power of all classes of stock of such foreign corporation, or (B) of stock or a debt obligation of a foreign partnership if immediately after the acquisition such person owns (directly or indirectly) 10 percent or more of the profits interest in such foreign partnership. For purposes of the preceding sentence, stock owned (directly or indirectly) by or for a foreign corporation shall be considered as being owned proportionately by its shareholders, and stock owned (directly or indirectly) by or for a foreign partnership shall be considered as being owned proportionately by its partners.

26 USC 1504.

“(2) OVERPAYMENT WITH RESPECT TO CERTAIN TAXABLE ACQUISITIONS.—The tax paid under section 4911 on the acquisition by a United States person of stock or a debt obligation of a foreign corporation or foreign partnership, or a debt obligation from a foreign corporation which received such obligation in the ordinary course of its trade or business as a result of the sale or rental of products manufactured or assembled by it or the performance of services by it, shall (unless this subsection is inapplicable by reason of subsection (c) or (d)) constitute an overpayment of tax if such person—

“(A) meets the ownership requirement of paragraph (1) with respect to such corporation or partnership at any time within 12 months after the date of such acquisition, and

“(B) holds the stock or debt obligation continuously from the date of such acquisition to the last day of the calendar year in which such ownership requirement is first met.

Under regulations prescribed by the Secretary or his delegate, credit or refund (without interest) shall be allowed or made with respect to such overpayment.

“(b) SPECIAL RULE FOR GOVERNMENT-CONTROLLED ENTERPRISES.—A United States person shall be considered to meet the ownership requirement of subsection (a)(1) with respect to a foreign corporation or a foreign partnership if—

“(1) the government of a foreign country or any political subdivision thereof, or an agency or instrumentality of such a government, directly or indirectly through such corporation or partnership or otherwise, restricts to less than 10 percent the percentage of the total combined voting power of all classes of stock of such corporation, or the percentage of the profits interest in such partnership, which may be owned by such United States person;

“(2) such person owns at least 5 percent of the total combined voting power of so much of such stock, or at least 5 percent of so much of such profits interest, as is not owned by any such government, agency, or instrumentality;

“(3) a trade or business actively conducted in one or more foreign countries by such United States person (or by one or more corporations in an affiliated group, as defined in section 48(c)(3)(C), of which such person is a member) is directly related to the business carried on by such foreign corporation or foreign partnership; and

“(4) such person, and one or more other United States persons each of which satisfies the conditions set forth in paragraphs (2) and (3), together meet the ownership requirement of subsection (a)(1).

76 Stat. 969.
26 USC 48.

“(c) EXCEPTION FOR FOREIGN CORPORATIONS OR PARTNERSHIPS FORMED OR AVAILED OF FOR TAX AVOIDANCE.—

“(1) IN GENERAL.—The provisions of subsections (a) and (b) shall be inapplicable in any case where the foreign corporation or foreign partnership is formed or availed of by the United States person for the principal purpose of acquiring, through such corporation or partnership, an interest in stock or debt obligations (of one or more other foreign issuers or obligors) the direct acquisition of which by the United States person would be subject to the tax imposed by section 4911.

“(2) COMMERCIAL BANKS, UNDERWRITERS, AND REQUIRED HOLDINGS.—For purposes of this subsection, the acquisition by a United States person of stock or debt obligations of a foreign corporation or foreign partnership which acquires stock or debt obligations of foreign issuers or obligors—

“(A) in making loans in the ordinary course of its business as a commercial bank,

“(B) in the ordinary course of its business of underwriting and distributing securities issued by other persons, or

“(C) to satisfy minimum requirements relating to holdings of stock or debt obligations of foreign issuers or obligors imposed by the laws of foreign countries where such foreign corporation or foreign partnership is doing business, shall not, by reason of such acquisitions by the foreign corporation or foreign partnership, be considered an acquisition by the United States person of an interest in stock or debt obligations of foreign issuers or obligors. For purposes of subparagraph (A), any foreign corporation or foreign partnership which is regularly engaged in the business of accepting deposits from customers and receiving other borrowed funds in foreign currencies and making loans in such currencies shall be treated as a commercial bank.

“(3) LOSS OF ENTITLEMENT TO EXCLUSION OR REFUND WHERE FOREIGN CORPORATION OR PARTNERSHIP IS AVAILED OF FOR TAX AVOIDANCE.—In any case where—

“(A) the exclusion provided by subsection (a) (1) has applied with respect to the acquisition of stock or a debt obligation by a United States person, or

“(B) a credit or refund of tax under subsection (a) (2) has been received by a United States person with respect to acquisitions of stock made during a calendar year, but the foreign corporation or partnership is availed of by such person (after the acquisition described in subparagraph (A) is made or the calendar year described in subparagraph (B) has ended, but before the termination date specified in section 4911 (d)) for the principal purpose described in paragraph (1) of this subsection, then liability for the tax imposed by section 4911 shall be incurred by such person (with respect to such stock or debt obligation) at the time the foreign corporation or partnership is so availed of; and the amount of such tax shall be equal (in a case described in subparagraph (A)) to the amount of tax for which such person would have been liable under such section upon his acquisition of the stock or debt obligations involved if such exclusion had not applied to such acquisition, or (in a case described in subparagraph (B)) to the aggregate amount of tax for which such person was liable under such section upon his acquisitions of the stock involved.

“(d) EXCEPTION FOR ACQUISITIONS MADE WITH INTENT TO SELL TO UNITED STATES PERSONS.—The provisions of subsections (a) and (b)

shall be inapplicable in any case where the acquisition of stock or debt obligations of the foreign corporation or foreign partnership is made with an intent to sell, or to offer to sell, any part of the stock or debt obligations acquired to United States persons.

“SEC. 4916. EXCLUSION FOR INVESTMENTS IN LESS DEVELOPED COUNTRIES.

“(a) GENERAL RULE.—The tax imposed by section 4911 shall not apply to the acquisition by a United States person of—

“(1) a debt obligation issued or guaranteed by the government of a less developed country or a political subdivision thereof, or by an agency or instrumentality of such a government;

“(2) stock or a debt obligation of a less developed country corporation;

“(3) a debt obligation issued by an individual or partnership resident in a less developed country in return for money or other property which is used, consumed, or disposed of wholly within one or more less developed countries; or

“(4) stock or a debt obligation of a foreign issuer or obligor, to the extent that such acquisition is required as a reinvestment within a less developed country by the terms of a contract of sale to, or of a contract of indemnification with respect to the nationalization, expropriation, or seizure by, the government of such less developed country or a political subdivision thereof, or an agency or instrumentality of such government, of property owned within such less developed country or such political subdivision by such United States person, or by a controlled foreign corporation (as defined in section 957) more than 50 percent of the total combined voting power of all classes of stock entitled to vote of which is owned (within the meaning of section 958) by such United States person, but only if such contract was entered into because the government of such less developed country or political subdivision, or such agency or instrumentality—

“(A) has nationalized or has expropriated or seized, or has threatened to nationalize or to expropriate or seize, a substantial portion of the property owned within such less developed country or such political subdivision by such United States person or such controlled foreign corporation; or

“(B) has taken action which has the effect of nationalizing or of expropriating or seizing, or of threatening to nationalize or to expropriate or seize, a substantial portion of the property so owned.

For purposes of this subsection, an instrumentality of the government of a less developed country or a political subdivision thereof includes a corporation or other entity with respect to which such government, or any agency of such government, owns more than 50 percent of the total combined voting power of all classes of stock entitled to vote or, in the case of a corporation or other entity not issuing shares of stock, has the authority to elect or appoint a majority of the board of directors or equivalent body of such corporation or other entity.

“(b) LESS DEVELOPED COUNTRY DEFINED.—For purposes of this section, the term ‘less developed country’ means any foreign country (other than an area within the Sino-Soviet bloc) or any possession of the United States with respect to which, as of the date of an acquisition referred to in subsection (a), there is in effect an Executive order by the President of the United States designating such country as an economically less developed country for purposes of the tax imposed by section 4911. For purposes of the preceding sentence, Executive Order Numbered 11071, dated December 27, 1962 (designating certain areas as economically less developed countries for

76 Stat. 1017.
26 USC 957.

26 USC 958.

26 USC 955
note.

26 USC 901-905,
951-964.
26 USC 1248.

purposes of subparts A and F of part III of subchapter N, and section 1248 of part IV of subchapter P, of chapter 1), shall be deemed to have been issued and in effect, for purposes of the tax imposed by section 4911, on July 18, 1963, and continuously thereafter until there is in effect the Executive order referred to in the preceding sentence. An overseas territory, department, province, or possession of any foreign country may be designated as a separate country. No designation shall be made under this subsection with respect to any of the following:

Australia	Luxembourg
Austria	Monaco
Belgium	Netherlands
Canada	New Zealand
Denmark	Norway
France	Republic of South Africa
Germany (Federal Republic)	San Marino
Hong Kong	Spain
Italy	Sweden
Japan	Switzerland
Liechtenstein	United Kingdom.

Notification to
Congress.

After the President (under the first sentence of this subsection) has designated any foreign country as an economically less developed country for purposes of the tax imposed by section 4911, he shall not terminate such designation (either by issuing an Executive order for that purpose or by issuing an Executive order which has the effect of terminating such designation) unless, at least 30 days before such termination, he has notified the Senate and the House of Representatives of his intention to terminate such designation.

“(c) LESS DEVELOPED COUNTRY CORPORATION DEFINED.—

“(1) IN GENERAL.—For purposes of this section, the term ‘less developed country corporation’ means a foreign corporation which for the applicable periods set forth in paragraph (3)—

76 Stat. 1013.
26 USC 955.

“(A) meets the requirements of section 955(c) (1) or (2); or

“(B) derives 80 percent or more of its gross income, if any, from sources within less developed countries, or from deposits in the United States with persons carrying on the banking business, or both, and has assets 80 percent or more in value of which consists of—

“(i) money, and deposits in the United States with persons carrying on the banking business,

“(ii) stock or debt obligations of any other less developed country corporation,

“(iii) debt obligations of a less developed country,

“(iv) investments which are required because of restrictions imposed by a less developed country,

“(v) debt obligations described in paragraph (3) of subsection (a) of this section, and

“(vi) obligations of the United States.

In applying this paragraph the determination of whether a foreign country is a less developed country shall be made in accordance with subsection (b) of this section.

“(2) SPECIAL RULES.—

26 USC 956.

“(A) For purposes of subparagraphs (A) and (B) of paragraph (1), property described in section 956(b)(1) (regardless of when acquired), other than deposits with persons carrying on the banking business, and income derived from such property, shall not be taken into account.

“(B) For purposes of subparagraph (A) of paragraph (1), obligations of any other less developed country corporation shall be taken into account under section 955(c)(1)(B)(iii) without regard to the period remaining to maturity at the time of their acquisition.

76 Stat. 1013.
26 USC 955.

“(C) For purposes of subparagraph (B) of paragraph (1), deposits outside the United States (other than deposits in a less developed country) with persons carrying on the banking business, and income from such deposits, shall not be taken into account.

“(3) **APPLICABLE PERIODS.**—The determinations required by subparagraphs (A) and (B) of paragraph (1) shall be made (A) for the annual accounting period (if any) of the foreign corporation immediately preceding its accounting period in which the acquisition involved is made, (B) for the annual accounting period of the foreign corporation in which such acquisition is made, and (C) for the next succeeding annual accounting period of the foreign corporation.

“(4) **SPECIAL RULES FOR TREATMENT OF CORPORATIONS AS LESS DEVELOPED COUNTRY CORPORATIONS.**—A foreign corporation shall be treated as satisfying the definition in paragraph (1) with respect to the acquisition by a United States person of stock or a debt obligation if—

“(A) before the acquisition occurs (or, in the case of an acquisition occurring before or within 60 days after the date of the enactment of this chapter, pursuant to application made within such period following such date as may be prescribed by the Secretary or his delegate in regulations), it is established to the satisfaction of the Secretary or his delegate that such foreign corporation—

“(i) has met the applicable requirements of paragraph (1) for the period (if any) referred to in paragraph (3)(A), and

“(ii) may reasonably be expected to satisfy such requirements for the periods referred to in paragraphs (3)(B) and (C); or

“(B) in the case of an acquisition occurring on or before December 10, 1963, the applicable requirements of paragraph (1) are met for the annual accounting period of the foreign corporation immediately preceding its accounting period in which the acquisition occurred.

“(5) **TREATMENT OF CORPORATIONS AS LESS DEVELOPED COUNTRY CORPORATIONS IN OTHER CASES.**—A foreign corporation may also be treated as satisfying the definition in paragraph (1) with respect to the acquisition by a United States person of stock or a debt obligation (but subject to possible subsequent liability for tax under subsection (d)(1)), if—

“(A) such corporation has met the applicable requirements of paragraph (1) for the period (if any) referred to in paragraph (3)(A), and

“(B) such person reasonably believes that such corporation will satisfy such requirements for the periods referred to in paragraphs (3)(B) and (C).

“(d) **SUBSEQUENT LIABILITY FOR TAX IN CERTAIN CASES.**—

“(1) **STOCK AND DEBT OBLIGATIONS OF CERTAIN CORPORATIONS.**—Where a foreign corporation is treated under subsection (c)(5) as satisfying the definition in subsection (c)(1) and the exclusion provided by subsection (a)(2) has applied with respect to the acquisition of stock or a debt obligation of such corporation by

any person, but such corporation fails to satisfy the definition contained in subsection (c) (1) for either of the applicable accounting periods referred to in clauses (B) and (C) of subsection (c) (3) (and it is not treated under subsection (c) (4) as satisfying such definition), then liability for the tax imposed by section 4911 shall be incurred by such person (with respect to such stock or debt obligation) as of the close of the earliest such applicable accounting period (ending on or before the termination date specified in section 4911(d)) with respect to which the corporation fails to satisfy such definition; and the amount of such tax shall be equal to the amount of tax for which such person would have been liable under such section upon the acquisition of the stock or debt obligation involved if such exclusion had not applied with respect to such acquisition.

“(2) **DEBT OBLIGATIONS ISSUED IN RETURN FOR CERTAIN PROPERTY.**—Where the exclusion provided by subsection (a) (3) has applied with respect to the acquisition by a United States person of a debt obligation issued in return for money or other property as provided in such subsection, but part or all of such money or property is used, consumed, or disposed of (before the termination date specified in section 4911(d)) otherwise than wholly within one or more less developed countries, then liability for the tax imposed by section 4911 shall be incurred by such person (with respect to such debt obligation) as of the time such money or property is first so used, consumed, or disposed of; and the amount of such tax shall be equal to the amount of tax for which such person would have been liable under such section upon the acquisition of the debt obligation involved if such exclusion had not applied with respect to such acquisition.

“SEC. 4917. EXCLUSION FOR ORIGINAL OR NEW ISSUES WHERE REQUIRED FOR INTERNATIONAL MONETARY STABILITY.

“(a) **IN GENERAL.**—If the President of the United States shall at any time determine that the application of the tax imposed by section 4911 will have such consequences for a foreign country as to imperil or threaten to imperil the stability of the international monetary system, he may by Executive order specify that such tax shall not apply to the acquisition by a United States person of stock or a debt obligation of the government of such foreign country or a political subdivision thereof, any agency or instrumentality of any such government, any corporation, partnership, or trust (other than a company registered under the Investment Company Act of 1940) organized under the laws of such country or any such subdivision, or any individual resident therein, to the extent that such stock or debt obligation is acquired as all or part of an original or new issue as to which there is filed such notice of acquisition as the Secretary or his delegate may prescribe by regulations. In the case of acquisitions made during the period beginning July 19, 1963, and ending with the date of the enactment of this chapter, the notice of acquisition may be filed within such period following the date of such enactment as the Secretary or his delegate may prescribe by regulations.

“(b) **APPLICABILITY OF EXECUTIVE ORDER.**—An Executive order described in subsection (a) may be applicable to all such original or new issues or to any aggregate amount or classification thereof which shall be stated in such order and shall apply to acquisitions occurring during such period of time as shall be stated therein. If the order is applicable to a limited aggregate amount of such issues it shall apply (under regulations prescribed by the Secretary or his delegate) to those acquisitions as to which notice of acquisition was first filed, provided that in the case of any such notice the acquisition described

in the notice is made before or within 90 days after the date of filing or within such longer period after such date as may be specified in such order.

“(c) ORIGINAL OR NEW ISSUE.—For purposes of this section—

“(1) stock shall be treated as part of an original or new issue only when it is acquired from the issuer by the United States person claiming the exclusion; and

“(2) a debt obligation shall be treated as part of an original or new issue only if acquired not later than 90 days after the date on which interest begins to accrue on such obligation, except that a debt obligation secured by a lien on improvements on real property which are under construction or are to be constructed at the time such obligation is issued (or if such obligation is one of a series, at the time the first obligation in such series is issued) shall be treated as part of an original or new issue if—

“(A) such obligation is acquired not later than 90 days after the date on which interest begins to accrue on the total amount of such obligation (or if such obligation is one of a series, on the last issued of the obligations in such series); and

“(B) the United States person claiming the exclusion became committed to the acquisition of such obligation not later than 90 days after the date on which interest began to accrue on any part of such obligation (or, if such obligation is one of a series, on the first obligation issued in such series).

“SEC. 4918. EXEMPTION FOR PRIOR AMERICAN OWNERSHIP.

“(a) GENERAL RULE.—The tax imposed by section 4911 shall not apply to an acquisition of stock or a debt obligation of a foreign issuer or obligor if it is established in the manner provided in this section that the person from whom such stock or debt obligation was acquired was a United States person throughout the period of his ownership or continuously since July 18, 1963, and was a United States person eligible to execute a certificate of American ownership with respect to such acquisition.

“(b) CERTIFICATE OF AMERICAN OWNERSHIP.—For purposes of subsection (a), a certificate of American ownership received in connection with an acquisition shall be conclusive proof for purposes of this exemption of prior American ownership unless the person making such acquisition has actual knowledge that the certificate is false in any material respect.

“(c) TRADING ON CERTAIN NATIONAL SECURITIES EXCHANGES.—For purposes of subsection (a), a written confirmation received from a member or member organization of a national securities exchange registered with the Securities and Exchange Commission in connection with an acquisition on such exchange, which does not state that such acquisition was made subject to a special contract, shall be conclusive proof for purposes of this exemption of prior American ownership (unless the person making such acquisition has actual knowledge that the confirmation is false in any material respect), if such exchange has in effect at the time of the acquisition rules providing that—

“(1) any stock or debt obligation, the acquisition of which by any United States person would be subject to the tax imposed by section 4911 but for the provisions of this section, shall be sold in the regular market on such exchange (and not subject to a special contract) only if the member or member organization of such exchange who effects the sale of such stock or debt obligation as broker has in his possession (A) a certificate of American ownership with respect to the stock or debt obligation sold, or (B) a blanket certificate of American ownership with respect to the account for which such stock or debt obligation is sold; and

"(2) any member or member organization of such exchange effecting as broker a purchase of any such stock or debt obligation subject to a special contract (and not in the regular market) shall furnish the person making such an acquisition a written confirmation stating that the acquisition was made subject to such special contract.

"(d) **TRADING IN THE OVER-THE-COUNTER MARKET.**—For purposes of subsection (a), a written confirmation from a member or member organization of a national securities association registered with the Securities and Exchange Commission received in connection with an acquisition made other than on a national securities exchange described in subsection (c) shall be conclusive proof for purposes of this exemption of prior American ownership, unless the confirmation states that the acquisition was made from a person who has not executed and filed a certificate of American ownership with respect to the stock or debt obligation sold or a blanket certificate of American ownership with respect to the account from which the stock or debt obligation is sold (or the person making such acquisition has actual knowledge that the confirmation is false in any material respect), if such association has in effect at the time of the acquisition rules providing that any member or member organization of such association who effects a sale as broker other than on a national securities exchange of any stock or debt obligation, the acquisition of which by any United States person would be subject to the tax imposed by section 4911 but for the provisions of this section, must—

"(1) have in his possession (A) a certificate of American ownership with respect to the stock or debt obligation sold, or (B) a blanket certificate of American ownership with respect to the account for which such stock or debt obligation is sold; or

"(2) furnish to the person acquiring such stock or debt obligation written confirmation stating that the acquisition is from a person who has not executed and filed a certificate of American ownership with respect to such stock or debt obligation or a blanket certificate of American ownership with respect to the account from which such stock or debt obligation is sold.

Any member or member organization of such an association who acquires any stock or debt obligation for his or its own account other than on a national securities exchange may treat a blanket certificate of American ownership with respect to the seller's account as conclusive proof for purposes of this exemption of prior American ownership, unless such member or member organization has actual knowledge that such certificate is false in any material respect.

"(e) **EXECUTION, FILING, AND CONTENTS OF CERTIFICATE.**—A certificate of American ownership or blanket certificate of American ownership under this section must be executed and filed in such manner and set forth such information as the Secretary or his delegate shall prescribe by regulations.

"(f) **OTHER PROOF OF EXEMPTION.**—For purposes of subsection (a), if a person establishes, with respect to an acquisition, that there is reasonable cause for his inability to establish prior American ownership under subsection (b), (c), or (d), he may establish prior American ownership for purposes of this exemption by other evidence that the person from whom such acquisition was made was a United States person eligible to execute a certificate of American ownership with respect to such acquisition.

"SEC. 4919. SALES BY UNDERWRITERS AND DEALERS TO FOREIGN PERSONS.

"(a) **CREDIT OR REFUND.**—The tax paid under section 4911 on the acquisition of stock or debt obligations of a foreign issuer or obligor shall constitute an overpayment of tax to the extent that such stock or debt obligations—

"(1) **PRIVATE PLACEMENTS AND PUBLIC OFFERINGS.**—Are acquired by an underwriter in connection with a private placement or a public offering by a foreign issuer or obligor (or a person or persons directly or indirectly controlling, controlled by, or under common control with such issuer or obligor) and are sold as part of such private placement or public offering by the underwriter (including sales by other underwriters who are United States persons participating in the placement or distribution of the stock or debt obligations acquired by the underwriter) to persons other than United States persons;

"(2) **CERTAIN DEBT OBLIGATIONS.**—Consist of debt obligations—
"(A) acquired by a dealer in the ordinary course of his business and sold by him, within 90 days after their purchase, to—

"(i) persons other than United States persons, or

"(ii) another dealer who resells them on the same or the next business day to persons other than United States persons; or

"(B) acquired by a dealer in the ordinary course of his business to cover short sales made by him, within 90 days before their purchase, to—

"(i) persons other than United States persons, or

"(ii) another dealer who resold them on the same or the next business day to persons other than United States persons; or

"(3) **CERTAIN STOCK.**—Consist of stock—

"(A) acquired by a dealer in the ordinary course of his business and sold by him on the day of purchase or on either of the two succeeding business days to persons other than United States persons; or

"(B) acquired by a dealer in the ordinary course of his business to cover short sales made by him on the day of purchase or on either of the two preceding business days to persons other than United States persons.

Under regulations prescribed by the Secretary or his delegate, credit or refund (without interest) shall be allowed or made with respect to such overpayment. For purposes of paragraphs (2) and (3) of this subsection and for purposes of paragraph (3) of subsection (b), the day of purchase or sale of any stock or debt obligation is the day on which an order to purchase or to sell, as the case may be, is executed.

"(b) **EVIDENCE TO SUPPORT CREDIT OR REFUND.**—

"(1) **IN GENERAL.**—Credit or refund shall be allowed to an underwriter or dealer under subsection (a) with respect to any stock or debt obligation sold by him only if the underwriter or dealer—

"(A) files with the return required by section 6011(d) on which credit is claimed, or with the claim for refund, such information as the Secretary or his delegate may prescribe by regulations, and

"(B) establishes that such stock or debt obligation was sold to a person other than a United States person.

Post, p. 843.

In any case where two or more underwriters form a group for the purpose of purchasing and distributing (through resale) stock or debt obligations of a single foreign issuer or obligor, any one of such underwriters may, to the extent provided by regulations prescribed by the Secretary or his delegate, satisfy the requirements of this paragraph on behalf of all such underwriters.

“(2) CERTAIN SALES BY UNDERWRITERS.—For purposes of paragraph (1)(B), in the case of a claim for credit or refund under subsection (a)(1) with respect to stock or a debt obligation acquired by an underwriter and not sold by him directly to a person other than a United States person, a certificate of sale to a foreign person (setting forth such information, and filed in such manner, as the Secretary or his delegate may prescribe by regulations), executed by the underwriter who made such sale, shall be conclusive proof that such stock or debt obligation was sold to a person other than a United States person, unless the underwriter relying upon the certificate has actual knowledge that the certificate is false in any material respect.

“(3) SALES OF DEBT OBLIGATIONS BY DEALERS.—

“(A) SALES ON NATIONAL SECURITIES EXCHANGES.—For purposes of paragraph (1)(B), in the case of a claim for credit or refund under subsection (a)(2), the sale by a dealer of a debt obligation on a national securities exchange registered with the Securities and Exchange Commission subject to a special contract (and not in the regular market) shall be conclusive proof that such debt obligation was sold to a person other than a United States person, if such exchange has in effect at the time of the sale rules providing that—

“(i) a member or member organization of such exchange selling a debt obligation as a dealer, or effecting the sale as broker of a debt obligation on behalf of a dealer, on such exchange subject to a special contract (and not in the regular market) shall furnish to the member or member organization purchasing such debt obligation as a dealer, or effecting the purchase as broker of such debt obligation on behalf of a dealer, a written confirmation or comparison stating that such sale is being made as a dealer, or on behalf of a dealer; and

“(ii) if the purchaser of such debt obligation is a dealer (whether or not a member or member organization of such exchange), the terms of the contract applicable to such sale shall require the purchasing dealer to undertake to resell such debt obligation on the day of purchase or the next business day to a person other than a United States person.

A dealer who acquires a debt obligation in a transaction in which a written confirmation or comparison described in clause (i) is furnished shall not be entitled to a credit or refund under subsection (a)(2) with respect to his acquisition of such debt obligation unless he establishes that such debt obligation was sold by him on the day on which it was purchased or the next business day to a person other than a United States person.

“(B) OVER-THE-COUNTER SALES.—For purposes of paragraph (1)(B), in the case of a claim for credit or refund under subsection (a)(2) with respect to a debt obligation sold in a transaction not on a national securities exchange, a

written confirmation furnished by a member or member organization of a national securities association registered with the Securities and Exchange Commission stating that such member or member organization—

“(i) effected the purchase as broker of a debt obligation on behalf of a person other than a United States person, or

“(ii) purchased a debt obligation which he resold on the day of purchase or the next business day to a person other than a United States person,

shall be conclusive proof that such debt obligation was sold to a person other than a United States person (unless the dealer relying upon the confirmation has actual knowledge that the confirmation is false in any material respect), if such association has in effect at the time of the purchase rules providing that a member or member organization who effects a purchase of, or purchases, a debt obligation from a dealer who notifies such member or member organization that such debt obligation is being sold by such dealer and that such dealer intends to claim a credit or refund under subsection (a)(2), shall furnish to such dealer a written confirmation stating that the purchase of such debt obligation was (or was not) effected by such member or member organization on behalf of a person other than a United States person, or that such debt obligation was (or was not) sold by such member or member organization on the day of purchase or the next business day to a person other than a United States person.

“(4) SALES OF STOCK BY DEALERS.—For purposes of paragraph (1)(B), in the case of a claim for credit or refund under subsection (a)(3), the sale by a dealer of stock on a national securities exchange registered with the Securities and Exchange Commission subject to a special contract (and not in the regular market) shall be conclusive proof that such stock was sold to a person other than a United States person, unless such dealer has actual knowledge at the time of such sale that the purchaser of such stock is a dealer (whether or not a member or member organization of such exchange).

“(c) DEFINITIONS.—For purposes of this section—

“(1) the term ‘underwriter’ means any person who has purchased stock or debt obligations from the issuer or obligor (or from a person controlling, controlled by, or under common control with such issuer or obligor), or from another underwriter, with a view to the distribution through resale of such stock or debt obligations; and

“(2) the term ‘dealer’ means any person who is a member of a national securities association registered with the Securities and Exchange Commission and who is regularly engaged, as a merchant, in purchasing stock or debt obligations and selling them to customers with a view to the gains and profits which may be derived therefrom.

“SEC. 4920. DEFINITIONS AND SPECIAL RULES.

“(a) IN GENERAL.—For purposes of this chapter—

“(1) DEBT OBLIGATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘debt obligation’ means—

“(i) any indebtedness, whether or not represented by a bond, debenture, note, certificate, or other writing,

whether or not secured by a mortgage, and whether or not bearing interest; and

“(ii) any interest in, or any option or similar right to acquire, a debt obligation referred to in this subparagraph, whether or not such interest, option, or right is in writing.

“(B) EXCEPTIONS.—The term ‘debt obligation’ shall not include any obligation which—

“(i) is convertible by its terms into stock of the obligor, if it is so convertible only within a period of 5 years or less from the date on which interest begins to accrue thereon; or

“(ii) arises out of the divorce, separate maintenance, or support of an individual who is a United States person.

“(2) STOCK.—The term ‘stock’ means—

“(A) any stock, share, or other capital interest in a corporation;

“(B) any interest of a partner in a partnership;

“(C) any interest in an investment trust;

“(D) any indebtedness which is convertible by its terms into stock of the obligor, if it is so convertible only within a period of 5 years or less from the date on which interest begins to accrue thereon; and

“(E) any interest in, or option or similar right to acquire, any stock described in this paragraph.

“(3) FOREIGN ISSUER OR OBLIGOR.—The terms ‘foreign issuer’, ‘foreign obligor’, and ‘foreign issuer or obligor’ mean any issuer of stock or obligor of a debt obligation, as the case may be, which is—

“(A) (i) an international organization of which the United States is not a member,

“(ii) the government of a foreign country or any political subdivision thereof, or an agency or instrumentality of such a government,

“(iii) a corporation, partnership, or estate or trust which is not a United States person as defined in paragraph (4); or

“(iv) a nonresident alien individual;

“(B) a domestic corporation which, as of July 18, 1963, was a management company registered under the Investment Company Act of 1940 if—

“(i) at least 80 percent of the value of the stock and debt obligations owned by such corporation on July 18, 1963, and at least 80 percent of the value of the stock and debt obligations owned by such corporation at the end of every calendar quarter thereafter (through the quarter preceding the quarter in which the acquisition involved is made), consists of stock or debt obligations of foreign issuers or obligors and other debt obligations having an original maturity of 90 days or less;

“(ii) such corporation elects to be treated as a foreign issuer or obligor for purposes of this chapter; and

“(iii) such corporation does not materially increase its assets during the period from July 18, 1963, to the date on which such election is made through borrowing or through issuance or sale of its stock (other than stock issued or sold on or before September 16, 1963, as part of a public offering with respect to which a registration statement was first filed with the Securities and Exchange Commission on July 18, 1963, or within 90 days before that date).

The election under clause (ii) shall be made on or before the 60th day after the date of the enactment of this chapter under regulations prescribed by the Secretary or his delegate. Such election shall be effective as of the date specified by the corporation, but not later than the date on which such election is made, and shall remain in effect until revoked. If, at the close of any succeeding calendar quarter, the company ceases to meet the requirement of clause (i), the election shall thereupon (with respect to quarters after such calendar quarter) be deemed revoked. When an election is revoked no further election may be made. If the assets of a foreign corporation are acquired by a domestic corporation in a reorganization described in subparagraph (D) or (F) of section 368(a)(1), the two corporations shall be considered a single domestic corporation for purposes of this subparagraph.

26 USC 368.

“(4) UNITED STATES PERSON.—The term ‘United States person’ means—

“(A) a citizen or resident of the United States,

“(B) a domestic partnership,

“(C) a domestic corporation, other than a corporation described in paragraph (3)(B),

“(D) an agency or wholly-owned instrumentality of the United States,

“(E) a State or political subdivision, or any agency or instrumentality thereof, and

“(F) any estate or trust—

“(i) the income of which from sources without the United States is includible in gross income under subtitle A (or would be so includible if not exempt from tax under section 501(a), section 521(a), or section 584(b)),

26 USC 501,
521, 584.

“(ii) which is situated in the Commonwealth of Puerto Rico or a possession of the United States.

“(5) DOMESTIC CORPORATION; DOMESTIC PARTNERSHIP.—The terms ‘domestic corporation’ and ‘domestic partnership’ mean, respectively, a corporation or partnership created or organized in the United States or under the laws of the United States or of any State, except that such terms do not include a branch office of such a corporation or partnership located outside the United States if —

“(A) such corporation or partnership (without regard to the activities of such office) is a dealer (as defined in section 4919(c)(2));

Ante, p. 833.

“(B) such office (which is operated by employees or partners of such corporation or partnership) was located outside the United States on July 18, 1963, and was regularly engaged, as a merchant, in purchasing and selling stock or debt obligations of foreign issuers or obligors with a view to the gains and profits which may be derived therefrom, for a period of not less than 12 consecutive calendar months prior to July 18, 1963;

“(C) all acquisitions by such branch office of stock of foreign issuers and debt obligations of foreign obligors are made in the ordinary course of its business as such a merchant or as an underwriter (as defined in section 4919(c)(1));

“(D) such office maintains separate books and records reasonably reflecting the assets and liabilities properly attributable to such office; and

“(E) there is in effect an election that such branch office be treated as a foreign corporation or foreign partnership for purposes of this chapter.

The election under subparagraph (E) shall be made by such corporation or partnership on or before the 60th day after the date of the enactment of this chapter under regulations prescribed by the Secretary or his delegate. A separate election may be made with respect to each branch office of such corporation or partnership. Such election shall be effective as of July 18, 1963, and shall remain in effect until revoked in accordance with such regulations. If, at any time, a branch office ceases to meet the requirements of subparagraph (A), (C), or (D), the election with respect to such office shall thereupon be deemed revoked. When an election is revoked, a new election under subparagraph (E) may be made subject to such conditions and limitations as may be prescribed by the Secretary or his delegate.

“(6) UNITED STATES; STATE.—The term ‘United States’ when used in a geographical sense includes the States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States; and the term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

“(7) PERIOD REMAINING TO MATURITY.—

“(A) IN GENERAL.—Subject to the modifications set forth in subparagraph (B), the period remaining to maturity of a debt obligation shall be that period beginning on the date of its acquisition and ending on the fixed or determinable date when, according to its terms, the payment of principal becomes due.

“(B) MODIFICATIONS.—The period remaining to maturity—

“(i) of any interest in, or any option or similar right to acquire, any debt obligation shall be the period remaining to maturity of that debt obligation at the time of the acquisition of such interest, option, or right;

“(ii) of any debt obligation which is renewable without affirmative action by the obligee, or of any interest in or option or similar right to acquire such a debt obligation, shall end on the last day of the final renewal period;

“(iii) of any debt obligation which has no fixed or determinable date when the payment of principal becomes due shall be considered to be 28½ years;

“(iv) of any debt obligation which is payable on demand (including any bank deposit) shall be considered to be less than 3 years; and

“(v) of a debt obligation which is subject to retirement before its maturity through operation of a mandatory sinking fund shall be determined under regulations prescribed by the Secretary or his delegate.

“(8) FOREIGN STOCK ISSUES TREATED AS DOMESTIC.—

“(A) IN GENERAL.—A foreign corporation (other than a company registered under the Investment Company Act of 1940) shall not be considered a foreign issuer with respect to any class of its stock if, as of the latest record date before July 19, 1963, more than 65 percent of such class of stock was held of record by United States persons.

“(B) STOCK TRADED ON NATIONAL SECURITIES EXCHANGES.—A foreign corporation (other than a company registered under the Investment Company Act of 1940) shall not be

considered a foreign issuer with respect to any class of its stock which is traded on one or more national securities exchanges registered with the Securities and Exchange Commission, if the trading on such national securities exchanges constituted the principal market for such class of stock during the calendar year 1962 and if, as of the latest record date before July 19, 1963, more than 50 percent of such class of stock was held of record by United States persons.

“(b) **SPECIAL RULE FOR FOREIGN UNDERWRITERS.**—A partnership or corporation which is not a United States person and which participates, as an underwriter in an underwriting group that includes one or more United States persons, in a public offering of stock or debt obligations of a foreign issuer or obligor shall, if such partnership or corporation so elects and subject to such terms and conditions as the Secretary or his delegate may prescribe by regulations, be treated as a United States person for purposes of this chapter with respect to its participation in such public offering.

“(c) **CROSS REFERENCE.**—

“For definition of ‘acquisition’, see section 4912.

“Subchapter B—Acquisitions by Commercial Banks

“Sec. 4931. Commercial bank loans.

“SEC. 4931. COMMERCIAL BANK LOANS.

“(a) **STANDBY AUTHORITY.**—The provisions of this section shall apply only if the President of the United States—

“(1) determines that the acquisition of debt obligations of foreign obligors by commercial banks in making loans in the ordinary course of the commercial banking business has materially impaired the effectiveness of the tax imposed by section 4911, because such acquisitions have, directly or indirectly, replaced acquisitions by United States persons, other than commercial banks, of debt obligations of foreign obligors which are subject to the tax imposed by such section, and

“(2) specifies by Executive order that the provisions of this section shall apply to acquisitions by commercial banks of debt obligations of foreign obligors, to the extent specified in such order.

Such Executive order shall be effective, to the extent specified therein, with respect to acquisitions made during the period beginning on the day after the date on which the order is issued and ending on the date set forth in section 4911(d). Such Executive order may be modified from time to time (by Executive order), except that no such modification shall (A) have the effect of excluding from the application of subsection (b) or (c) a significant class of acquisitions to which such subsection applied under such Executive order or any modification thereof, or (B) subject any acquisition made on or before the date of issuance of such modification to the application of subsection (b) or (c).

“(b) **DEBT OBLIGATIONS WITH MATURITY OF 3 YEARS OR MORE, ETC.**—During the period in which an Executive order issued under subsection (a) is effective, and to the extent specified in such order (and any modifications thereof), sections 4914(b)(2)(A), 4914(j)(1)(A)(ii), and 4915(c)(2)(A) shall not apply.

“(c) **DEBT OBLIGATIONS WITH MATURITY FROM 1 TO 3 YEARS.**—During the period in which an Executive order issued under subsection (a) is effective, and to the extent specified in such order (and any modifications thereof), there is hereby imposed, on each acquisition by a United States person (as defined in section 4920(a)(4)) which is

Ante, pp. 813.
824.

a commercial bank of a debt obligation of a foreign obligor (if such obligation has a period remaining to maturity of 1 year or more and less than 3 years), a tax equal to a percentage of the actual value of the debt obligation measured by the period remaining to its maturity and determined in accordance with the following table:

"If the period remaining to maturity is:	The tax, as a percentage of actual value, is:
At least 1 year, but less than 1¼ years.....	1.05 percent
At least 1¼ years, but less than 1½ years.....	1.30 percent
At least 1½ years, but less than 1¾ years.....	1.50 percent
At least 1¾ years, but less than 2¼ years.....	1.85 percent
At least 2¼ years, but less than 2¾ years.....	2.30 percent
At least 2¾ years, but less than 3 years.....	2.75 percent

For purposes of this title, the tax imposed under this subsection shall be treated as imposed under section 4911, except that, for such purposes, the provisions of section 4918 shall not apply.

"(d) EXCLUSIONS.—

"(1) EXPORT LOANS.—The provisions of subsection (b), and the tax imposed under subsection (c), shall not apply with respect to the acquisition by a commercial bank of a debt obligation arising out of the sale of personal property or services (or both) if—

"(A) not less than 85 percent of the amount of the loan is attributable to the sale of property manufactured, produced, grown, extracted, created, or developed in the United States, or to the performance of services by United States persons, or to both, and

"(B) the extension of credit and the acquisition of the debt obligation related thereto are reasonably necessary to accomplish the sale of property or services out of which the debt obligation arises, and the terms of the debt obligation are not unreasonable in light of credit practices in the business in which the United States person selling such property or services is engaged.

"(2) FOREIGN CURRENCY LOANS BY FOREIGN BRANCHES.—The provisions of subsection (b), and the tax imposed under subsection (c), shall not apply to the acquisition by a commercial bank of a debt obligation of a foreign obligor payable in the currency of a foreign country if, under regulations prescribed by the Secretary or his delegate—

"(A) such bank establishes and maintains, for each of its branches located outside the United States, a fund of assets with respect to deposits payable in foreign currency to customers (other than banks) of such branch, and

"(B) such debt obligation is designated, to the extent permitted by this paragraph, as part of a fund of assets described in subparagraph (A) (but only after debt obligations of foreign obligors payable in foreign currency having a period remaining to maturity of less than one year held by such bank have been designated as part of such a fund).

A debt obligation may be designated as part of a fund of assets described in subparagraph (A) only to the extent that, immediately after such designation, the adjusted basis of all the assets held in such fund does not exceed 110 percent of the deposits payable in foreign currency to customers (other than banks) of the branch with respect to which such fund is maintained.

"(3) PREEXISTING COMMITMENTS.—The provisions of subsection (b), and the tax imposed under subsection (c), shall not apply to the acquisition by a commercial bank of a debt obligation of a foreign obligor—

Ante, p. 809.
Ante, p. 831.

“(A) made pursuant to an obligation to acquire which on August 4, 1964—

“(i) was unconditional, or

“(ii) was subject only to conditions contained in a formal contract under which partial performance had occurred; or

“(B) as to which on or before August 4, 1964, the acquiring commercial bank (or, in a case where 2 or more commercial banks are making acquisitions as part of a single transaction, a majority in interest of such banks) had taken every action to signify approval of the acquisition under the procedures ordinarily employed by such bank (or banks) in similar transactions and had sent or deposited for delivery to the foreign person from whom the acquisition was made written evidence of such approval in the form of a document setting forth, or referring to a document sent by the foreign person from whom the acquisition was made which set forth, the principal terms of such acquisition.

“(e) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations (not inconsistent with the provisions of this section or of an Executive order issued under subsection (a)) as may be necessary to carry out the provisions of this section.”

(b) TECHNICAL AMENDMENT.—The table of chapters for subtitle D is amended by adding at the end thereof the following item:

“Chapter 41. Interest equalization tax.”

(c) EFFECTIVE DATE.—

(1) GENERAL RULE.—Except as provided by paragraphs (2), (3), (4), (5), (6), and (7), the amendments made by this section shall apply with respect to acquisitions of stock and debt obligations made after July 18, 1963.

(2) PREEXISTING COMMITMENTS.—Such amendments shall not apply to an acquisition—

(A) made pursuant to an obligation to acquire which on July 18, 1963—

(i) was unconditional, or

(ii) was subject only to conditions contained in a formal contract under which partial performance had occurred;

(B) as to which on or before July 18, 1963, the acquiring United States person (or, in a case where 2 or more United States persons are making acquisitions as part of a single transaction, a majority in interest of such persons) had taken every action to signify approval of the acquisition under the procedures ordinarily employed by such person (or persons) in similar transactions and had sent or deposited for delivery to the foreign person from whom the acquisition was made written evidence of such approval in the form of a commitment letter, memorandum of terms, draft purchase contract, or other document setting forth, or referring to a document sent by the foreign person from whom the acquisition was made which set forth, the principal terms of such acquisition, subject only to the execution of formal documents evidencing the acquisition and to customary closing conditions;

(C) if, on or before July 18, 1963, the acquiring United States person—

(i) had entered into a contract for the sale to the government of a less developed country or a political subdivision thereof, or an agency or instrumentality of such government (within the meaning of section 4916(a)), of property owned within such less developed country or political subdivision by such person or by a controlled foreign corporation (as defined in section 957) more than 50 percent of the total combined voting power of all classes of stock entitled to vote of which was owned (within the meaning of section 958) by such person, or of stock or debt obligations of such a controlled foreign corporation which was actively engaged in the conduct of a trade or business within such less developed country; or had entered into a contract of indemnification with respect to the nationalization, expropriation, or seizure of such property or of such stock or debt obligations by the government of a less developed country or political subdivision thereof, or an agency or instrumentality of such government (within the meaning of section 4916(a)), or

(ii) had sent or deposited for delivery to the government of a less developed country or political subdivision thereof, or an agency or instrumentality of such government (within the meaning of section 4916(a)), a commitment letter, memorandum of terms, or other document setting forth the principal terms of a contract described in clause (i),

to the extent such acquisition is required by the terms of the contract as a reinvestment within such less developed country of amounts equal to part or all of the consideration received under the contract;

(D) which would be excluded from tax under section 4915 of the Internal Revenue Code of 1954 but for the provisions of subsection (c) thereof, if (i) on or before July 18, 1963, the acquiring United States person applied for and received from a foreign government (or an agency or instrumentality thereof) authorization to make such acquisition and approval of the amount thereof, and (ii) such authorization was required in order for such acquisition to be made; or

(E) of stock in the initial capitalization of a foreign corporation which would be excluded from tax under section 4915 of the Internal Revenue Code of 1954 but for the provisions of subsection (c) thereof, if at least 75 percent in interest of the United States persons who acquired stock in such initial capitalization had signified on or before July 18, 1963, to the person coordinating the organization of such corporation the intention to invest a specified amount of money through the purchase of such stock, which amount was equal to or greater than the amount ultimately so invested.

(3) PUBLIC OFFERING.—Such amendments shall not apply to an acquisition made on or before September 16, 1963, if—

(A) a registration statement (within the meaning of the Securities Act of 1933) was in effect with respect to the stock or debt obligation acquired at the time of its acquisition;

(B) the registration statement was first filed with the Securities and Exchange Commission on July 18, 1963, or within 90 days before that date; and

Ante, p. 827.

76 Stat. 1017.
26 USC 957.

26 USC 958.

48 Stat. 74.
15 USC 77a.

(C) no amendment was filed with the Securities and Exchange Commission after July 18, 1963, and before the acquisition which had the effect of increasing the number of shares of stock or the aggregate face amount of the debt obligations covered by the registration statement.

(4) **INVESTMENT OF PROCEEDS OF SUBSCRIPTION OFFERING.**—Such amendments shall not apply to an acquisition of stock or debt obligations of a foreign issuer or obligor by a corporation electing under section 4920(a)(3)(B) of the Internal Revenue Code of 1954 to be treated as a foreign issuer or obligor for purposes of chapter 41 of such Code, to the extent that the amount of consideration paid for all such stock and debt obligations does not exceed the proceeds received by such corporation from a subscription offering (completed on or before September 16, 1963) as to which a registration statement was filed with the Securities and Exchange Commission on July 18, 1963, or within 90 days before that date.

Ante, p. 836.

(5) **LISTED SECURITIES.**—Such amendments shall not apply to an acquisition made on or before August 16, 1963, if the stock or debt obligation involved was acquired on a national securities exchange registered with the Securities and Exchange Commission.

(6) **OPTIONS, FORECLOSURES, AND CONVERSIONS.**—Such amendments shall not apply to an acquisition—

(A) of stock pursuant to the exercise of an option or similar right (or a right to convert a debt obligation into stock), if such option or right was held on July 18, 1963, by the person making the acquisition or by a decedent from whom such person acquired the right to exercise such option or right by bequest or inheritance or by reason of such decedent's death, or

(B) of stock or debt obligations as a result of a foreclosure by a creditor pursuant to the terms of an instrument held by such creditor on July 18, 1963.

(7) **DOMESTICATION.**—Such amendments shall not apply to the acquisition by a domestic corporation of the assets of a foreign corporation pursuant to a reorganization described in subparagraph (C), (D), or (F) of section 368(a)(1) of the Internal Revenue Code of 1954 if the acquisition occurs on or before the 180th day after the date of the enactment of this Act and the foreign corporation was a management company registered under the Investment Company Act of 1940 from July 18, 1963, until the time of the acquisition.

26 USC 368.

54 Stat. 789.
15 USC 80a-51.

(8) **MEANING OF TERMS.**—Terms used in this subsection (except as specifically otherwise provided) shall have the same meaning as when used in chapter 41 of the Internal Revenue Code of 1954.

SEC. 3. RETURNS.

(a) **MAKING OF RETURNS.**—Section 6011 (relating to general requirement of return, statement, or list) is amended by redesignating subsection (d) as subsection (e), and by adding after subsection (c) the following new subsection:

72 Stat. 1305.
26 USC 6011.

“(d) **INTEREST EQUALIZATION TAX RETURNS, ETC.**—

“(1) **IN GENERAL.**—Every person shall make a return for each calendar quarter during which he incurs liability for the tax imposed by section 4911, or would so incur liability but for the provisions of section 4918. The return shall, in addition to such other information as the Secretary or his delegate may by regulations require, include a list of all acquisitions made by such person during the calendar quarter which are exempt under the

Ante, p. 831.

provisions of section 4918, and shall, with respect to each such acquisition, be accompanied either (A) by a certificate of American ownership which complies with the provisions of section 4918(e), or (B) in the case of an acquisition for which other proof of exemption is permitted under section 4918(f), by a statement setting forth a summary of the evidence establishing such exemption and the reasons for the person's inability to establish prior American ownership under subsection (b), (c), or (d) of section 4918. No return or accompanying evidence shall be required under this paragraph in connection with any acquisition with respect to which a written confirmation, furnished in accordance with the requirements described in section 4918 (c) or (d), is treated as conclusive proof of prior American ownership; nor shall any such acquisition be required to be listed in any return made under this paragraph.

"(2) INFORMATION RETURNS OF COMMERCIAL BANKS.—Every United States person (as defined in section 4920(a)(4)) which is a commercial bank shall file a return with respect to loans and commitments to foreign obligors at such times, in such manner, and setting forth such information as the Secretary or his delegate shall by forms and regulations prescribe.

"(3) REPORTING REQUIREMENTS FOR MEMBERS OF EXCHANGES AND ASSOCIATIONS.—Every member or member organization of a national securities exchange or of a national securities association registered with the Securities and Exchange Commission shall keep such records and file such information as the Secretary or his delegate may by regulations prescribe in connection with acquisitions and sales effected by such member or member organization as a broker, and acquisitions made for the account of such member or member organization, of stock or debt obligations—

"(A) as to which a certificate of American ownership or blanket certificate of American ownership is executed and filed with such member or member organization as prescribed under section 4918(e); and

"(B) as to which a written confirmation is furnished to a United States person stating that the acquisition—

"(i) in the case of a transaction on a national securities exchange, was made subject to a special contract, or

"(ii) in the case of a transaction not on a national securities exchange, was from a person who had not filed a certificate of American ownership with respect to such stock or debt obligation or a blanket certificate of American ownership with respect to the account from which such stock or debt obligation was sold."

(b) TIME FOR FILING RETURNS.—Part V of subchapter A of chapter 61 (relating to time for filing returns and other documents) is amended by adding at the end thereof the following new section:

"SEC. 6076. TIME FOR FILING INTEREST EQUALIZATION TAX RETURNS.

"Each return made under section 6011(d)(1) (relating to interest equalization tax) shall be filed on or before the last day of the first month following the period for which it is made."

(c) PUBLICITY OF RETURNS.—Section 6103(a)(2) (relating to public record and inspection) is amended by striking out "and subchapter B of chapter 37" and inserting in lieu thereof "subchapter B of chapter 37, and chapter 41".

26 USC 6071-6075.

Ante, p. 843.

26 USC 6103.

(d) **CLERICAL AMENDMENT.**—The table of sections for part V of subchapter A of chapter 61 is amended by adding at the end thereof the following:

“Sec. 6076. Time for filing interest equalization tax returns.”

(e) **FIRST RETURN PERIOD.**—Notwithstanding any provision of section 6011(d)(1) of the Internal Revenue Code of 1954, the first period for which returns shall be made under such section 6011(d)(1) shall be the period commencing July 19, 1963, and ending at the close of the calendar quarter in which the enactment of this Act occurs.

Ante, p. 843.

SEC. 4. DISALLOWANCE OF DEDUCTION FOR AMOUNT PAID AS INTEREST EQUALIZATION TAX.

Section 263(a) (relating to capital expenditures) is amended by adding at the end thereof the following new paragraph:

26 USC 263.

“(3) Any amount paid as tax under section 4911 (relating to imposition of interest equalization tax) except to the extent that any amount attributable to the amount paid as tax is included in gross income for the taxable year.”

SEC. 5. ORIGINAL ISSUE DISCOUNT.

Section 1232(b)(2) (relating to definition of issue price) is amended by inserting before the period at the end of the second sentence thereof the following: “increased by the amount, if any, of tax paid under section 4911 (and not credited, refunded, or reimbursed) on the acquisition of such bond or evidence of indebtedness by the first buyer”.

26 USC 1232.

SEC. 6. PENALTIES.

(a) **ASSESSABLE PENALTIES.**—Subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end thereof the following new sections:

26 USC 6671-6679.

“SEC. 6680. FAILURE TO FILE INTEREST EQUALIZATION TAX RETURNS.

“In addition to the penalty imposed by section 7203 (relating to willful failure to file return, supply information, or pay tax) any person who is required under section 6011(d)(1) (relating to interest equalization tax returns) to file a return for any period in respect of which, by reason of the provisions of section 4918, he incurs no liability for payment of the tax imposed by section 4911 and who fails to file such return within the time prescribed by section 6076, shall pay a penalty of \$10 or 5 percent of the amount of tax for which he would incur liability for payment under section 4911 but for the provisions of section 4918, whichever is the greater, for each such failure unless it is shown that the failure is due to reasonable cause. The penalty imposed by this section shall not exceed \$1,000 for each failure to file a return.

26 USC 7203.

Ante, p. 831.

Ante, p. 844.

“SEC. 6681. FALSE EQUALIZATION TAX CERTIFICATES.

“(a) **FALSE CERTIFICATE OF AMERICAN OWNERSHIP.**—In addition to the criminal penalty imposed by section 7241, any person who willfully executes a certificate of American ownership or blanket certificate of American ownership described in section 4918(e) which contains a misstatement of material fact shall be liable to a penalty equal to 125 percent of the amount of tax imposed by section 4911 on the acquisition of the stock or debt obligation involved which, but for the provisions of section 4918, would be payable by the person acquiring the stock or debt obligation.

Post, p. 847.

“(b) **LIABILITY OF MEMBERS OF NATIONAL SECURITIES EXCHANGES AND ASSOCIATIONS.**—A member or member organization of a national securities exchange described in section 4918(c) or a national securities association described in section 4918(d) shall be liable to a penalty equal to 125 percent of the amount of tax imposed by section 4911 on

Ante, p. 831.

the acquisition (in a transaction subject to the rules of such exchange or association as described in section 4918 (c) or (d)) of stock or a debt obligation which but for the provisions of section 4918, would be payable by the person acquiring the stock or debt obligation, if such member or member organization—

“(1) willfully effects the sale of such stock or debt obligation or furnishes a written confirmation with respect to the purchase or sale of such stock or debt obligation other than in accordance with the requirements described in section 4918 (c) or (d); or

“(2) has actual knowledge that—

“(A) the certificate of American ownership or the blanket certificate of American ownership (referred to in section 4918) in his possession in connection with the sale of such stock or debt obligation is false in any material respect; or

“(B) the person who executed and filed the blanket certificate of American ownership in his possession was not a United States person at the time of sale.

Post, p. 847.

“(c) **FALSE CERTIFICATE OF SALES TO FOREIGN PERSONS.**—In addition to the criminal penalty imposed by section 7241, any person who willfully executes a certificate of sales to foreign persons described in section 4919(b)(2) which contains a misstatement of material fact shall be liable to a penalty equal to 125 percent of the amount of the tax imposed by section 4911 on the acquisition by the underwriter of the stock or debt obligation with respect to which such certificate is executed.

“(d) **FALSE CONFIRMATIONS OR COMPARISONS FURNISHED BY DEALERS.**—

“(1) **MEMBERS OF NATIONAL SECURITIES EXCHANGES.**—A member or member organization of a national securities exchange described in section 4919(b)(3)(A) who, in a transaction subject to the rules of such exchange as described in such section, willfully furnishes a written confirmation or comparison which contains a misstatement of material fact or which fails to state a material fact shall be liable to a penalty equal to 125 percent of the amount of the tax imposed by section 4911 on the acquisition of the debt obligation by the dealer for whose benefit such confirmation or comparison is furnished.

“(2) **DEALERS.**—Any person who sells as a dealer a debt obligation in a transaction subject to the rules of a national securities exchange as described in section 4919(b)(3)(A), in which such sale is effected on his behalf by a member or member organization of such exchange, and who willfully fails to disclose to such member or member organization that such sale is being made by him as a dealer, shall be liable to a penalty equal to 125 percent of the amount of the tax imposed on his acquisition of such debt obligation.

“(3) **MEMBERS OF NATIONAL SECURITIES ASSOCIATIONS.**—A member or member organization of a national securities association described in section 4919(b)(3)(B) who willfully furnishes a written confirmation described in such section (in a transaction subject to the rules of such association as described in such section) which contains a misstatement of material fact or which fails to state a material fact shall be liable to a penalty equal to 125 percent of the amount of the tax imposed by section 4911 on the acquisition of the debt obligation by the dealer for whose benefit such confirmation is furnished.

“(e) **PENALTY TO BE IN LIEU OF TAX IN CERTAIN CASES.**—Unless the person acquiring the stock or debt obligation involved had actual knowledge that the certificate was false in any material respect, the

penalty under subsection (a) or (c) shall be in lieu of any tax on the acquisition of such stock or debt obligation under section 4911."

(b) **CRIMINAL PENALTY.**—Part II of subchapter A of chapter 75 (relating to penalties applicable to certain taxes) is amended by adding at the end thereof the following new section:

26 USC 7231-7240.

"SEC. 7241. PENALTY FOR FRAUDULENT EQUALIZATION TAX CERTIFICATES.

"Any person who, on or after the date of the enactment of the Interest Equalization Tax Act, willfully executes a certificate of American ownership or blanket certificate of American ownership described in section 4918(e), or a certificate of sales to foreign persons described in section 4919(b)(2), which is known by him to be fraudulent or to be false in any material respect shall be guilty of a misdemeanor and, upon conviction thereof, shall for each offense be fined not more than \$1,000, or imprisoned not more than 1 year, or both."

Ante, p. 831.

(c) **CLERICAL AMENDMENTS.**—

(1) The table of sections for subchapter B of chapter 68 is amended by adding at the end thereof the following:

"Sec. 6680. Failure to file interest equalization tax returns.

"Sec. 6681. False equalization tax certificates."

(2) The table of sections for part II of subchapter A of chapter 75 is amended by adding at the end thereof the following:

"Sec. 7241. Penalty for fraudulent equalization tax certificates."

Approved September 2, 1964.

Public Law 88-564

AN ACT

To amend the District of Columbia Sales Tax Act, as amended, relating to certain sales to common carriers or sleeping-car companies.

September 2, 1964
[H. R. 8451]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 114(b) of the District of Columbia Sales Tax Act, as amended (63 Stat. 112; D.C. Code, sec. 47-2601, par. 14(b)), is amended by adding at the end thereof the following:

D.C. Sales Tax Act, amendment.

"(5) Sales to a common carrier or sleeping-car company by a corporation all of whose capital stock is owned by one or more common carriers or sleeping-car companies of tangible personal property, procured or acquired by such corporation outside the District, which consists of repair or replacement parts used for the maintenance or repair of any train operating principally without the District in the course of interstate commerce, or commerce between the District and a State, provided such sales are made in connection with the furnishing of terminal services pursuant to a written agreement entered into before January 1, 1963."

Approved September 2, 1964.

Public Law 88-565

September 2, 1964
[S. 26]

AN ACT

To authorize the Secretary of the Interior to construct, operate, and maintain the Dixie project, Utah, and for other purposes.

Dixie Project,
Utah.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of developing the water resources of the Virgin and Santa Clara Rivers, including the furnishing of municipal and industrial water supplies, the furnishing of an irrigation water supply to approximately twenty-one thousand acres of land, the control of floods, the generation and sale of electric energy, the conservation and development of fish and wildlife resources, and the enhancement of recreation opportunities, the Secretary of the Interior is authorized to construct, operate, and maintain the Dixie project, Utah. The project shall consist of the Virgin City Dam and Reservoir, tunnels, canals, siphons, pumping plants, and other works necessary to serve irrigated and irrigable lands along and adjacent to the Virgin River; a dam on the Santa Clara River near Gunlock, Utah, and other works necessary to serve irrigated and irrigable lands along and adjacent to the Santa Clara River and on Ivins Bench; and hydroelectric plants and transmission facilities at the Virgin City Dam and at such other points as are desirable. The Dixie project shall be coordinated with the Cedar City water development program which includes the diversion of the waters of Crystal Creek into the Kolob Reservoir, and after completion of the Dixie project said waters of Crystal Creek and of the natural watershed of said Kolob Reservoir shall be exported for use of Cedar City and vicinity in accordance with an agreement entered by Cedar City and Iron County, Utah, on the 26th day of August 1953, with Kolob Reservoir and Storage Association, Incorporated, and Washington County, Utah.

SEC. 2. The project shall include such measures for the disposition of saline waters of La Verkin Springs as are necessary in the opinion of the Secretary to insure the delivery of water at downstream points along the Virgin River for water users in the States of Arizona and Nevada of suitable quality for irrigation, or provision shall be made to indemnify such water users for any impairment of water quality for irrigation purposes directly attributable to Dixie project operations.

43 USC 371 note.

SEC. 3. In constructing, operating, and maintaining the works authorized by this Act, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto), except as is otherwise provided in this Act.

Construction,
Commencement.

SEC. 4. Construction of the project shall not be commenced until there shall be established a conservancy district or similar organization with such powers as may be required by the Secretary, these to include powers to tax both real and personal property within the boundary of the district and to enter into contracts with the United States for the repayment of reimbursable costs.

Interest rate.

SEC. 5. The interest rate to be used for purposes of computing interest during construction and interest on the unpaid balance of those portions of the reimbursable costs which are properly allocable to commercial power development and municipal and industrial water supply shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which this bill is enacted, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of

issue. If the interest rate so computed is not a multiple of one-eighth of 1 per centum, the rate of interest to be used for these purposes shall be the multiple of one-eighth of 1 per centum next lower than the rate so computed. The portions of the costs which are allocable to commercial power development and to municipal and industrial water supply shall be repaid over a period of fifty years with interest at the rate determined in accordance with this section. The portion of the cost which is allocable to irrigation shall be repaid, pursuant to reclamation law, within fifty years plus any authorized development period.

SEC. 6. The Secretary is authorized in connection with the project to construct, operate, and maintain or otherwise provide for the basic public outdoor recreation facilities, to acquire or otherwise to include within the project area such adjacent lands or interests therein as are necessary for public recreation use, to allocate water and reservoir capacity to recreation, and to provide for the public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with other project purposes. The Secretary is authorized to enter into agreements with Federal agencies or State or local public bodies for the operation, maintenance, and additional development of project lands or facilities, or to dispose of project lands or facilities to Federal agencies, or State or local public bodies by lease, transfer, conveyance, or exchange, upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes. The costs of the aforesaid undertakings, and the costs of the project allocated to fish and wildlife enhancement, including costs of investigation, planning, Federal operation and maintenance, and an appropriate share of joint costs of the project, shall be nonreimbursable. Nothing herein shall limit the authority of the Secretary granted by existing provisions of law relating to recreation development of water resource projects, or disposition of public lands for recreational purposes.

SEC. 7. The use of all water diverted for this project from the Colorado River system shall be subject to and controlled by the Colorado River compact, the Boulder Canyon Project Act (45 Stat. 1057; 43 U.S.C. 617t), and the Mexican Water Treaty (Treaty Series 994) (59 Stat. 1219).

SEC. 8. There is hereby authorized to be appropriated for the construction of the Dixie project, the sum of \$42,700,000, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to types of construction involved therein, and, in addition thereto, such sums as may be required to operate and maintain said project.

Approved September 2, 1964.

Public Law 88-566

JOINT RESOLUTION

To authorize the President to proclaim October 9 in each year as Leif Erikson Day.

September 2, 1964
[H. J. Res. 393]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized to officially proclaim October 9 in each year as Leif Erikson Day.

Approved September 2, 1964.

Leif Erikson
Day.
Proclamation.

Public Law 88-567

September 2, 1964
[S. 793]

AN ACT

To promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath, and Clear Lake National Wildlife Refuges in Oregon and California and to aid in the administration of the Klamath reclamation project.

Wildlife re-
sources on Pacific
flyway.
Conservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the policy of the Congress to stabilize the ownership of the land in the Klamath Federal reclamation project, Oregon and California, as well as the administration and management of the Klamath Federal reclamation project and the Tule Lake National Wildlife Refuge, Lower Klamath National Wildlife Refuge, Upper Klamath National Wildlife Refuge, and Clear Lake National Wildlife Refuge, to preserve intact the necessary existing habitat for migratory waterfowl in this vital area of the Pacific flyway, and to prevent depredations of migratory waterfowl on agricultural crops in the Pacific Coast States.

SEC. 2. Notwithstanding any other provisions of law, all lands owned by the United States lying within the Executive order boundaries of the Tule Lake National Wildlife Refuge, the Lower Klamath National Wildlife Refuge, the Upper Klamath National Wildlife Refuge, and the Clear Lake Wildlife Refuge are hereby dedicated to wildlife conservation. Such lands shall be administered by the Secretary of the Interior for the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith. Such lands shall not be opened to homestead entry. The following public lands shall also be included within the boundaries of the area dedicated to wildlife conservation, shall be administered by the Secretary of the Interior for the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith, and shall not be opened to homestead entry: Hanks Marsh, and first form withdrawal lands (approximately one thousand four hundred and forty acres) in Klamath County, Oregon, lying adjacent to Upper Klamath National Wildlife Refuge; White Lake in Klamath County, Oregon, and Siskiyou County, California; and thirteen tracts of land in Siskiyou County, California, lettered as tracts "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", and "N" totaling approximately three thousand two hundred and ninety-two acres, and tract "P" in Modoc County, California, containing about ten acres, all as shown on plate 4 of the report entitled "Plan for Wildlife Use of Federal Lands in the Upper Klamath Basin, Oregon-California," dated April 1956, prepared by the United States Fish and Wildlife Service. All the above lands shall remain permanently the property of the United States.

SEC. 3. Subject to conditions hereafter prescribed, and pursuant to such regulations as may be issued by the Secretary, 25 per centum of the net revenues collected during each fiscal year from the leasing of Klamath project reserved Federal lands within the Executive order boundaries of the Lower Klamath National Wildlife Refuge and the Tule Lake National Wildlife Refuge shall be paid annually by the Secretary, without further authorization, for each full fiscal year after the date of this Act to the counties in which such refuges are located, such payments to be made on a pro rata basis to each county based upon the refuge acreage in each county: *Provided*, That the total annual payment per acre to each county shall not exceed 50 per centum of the average per acre tax levied on similar

Restriction.

lands in private ownership in each county, as determined by the Secretary: *Provided further*, That no such payments shall be made which will reduce the credits or the payments to be made pursuant to contractual obligations of the United States with the Tululake Irrigation District or the payments to the Klamath Drainage District as full reimbursement for the construction of irrigation facilities within said district, and that the priority of use of the total net revenues collected from the leasing of the lands described in this section shall be (1) to credit or pay from each revenues to the Tululake Irrigation District the amounts already committed to such payment or credit; (2) to pay from such revenues to the Klamath Drainage District the sum of \$197,315; and (3) to pay from such revenues to the counties the amounts prescribed by this section.

SEC. 4. The Secretary shall, consistent with proper waterfowl management, continue the present pattern of leasing the reserved lands of the Klamath Straits unit, the Southwest Sump, the League of Nations unit, the Henzel lease, and the Frog Pond unit, all within the Executive order boundaries of the Lower Klamath and Tule Lake National Wildlife Refuges and shown in plate 4 of the report entitled "Plan for Wildlife Use of Federal Lands in the Upper Klamath Basin, Oregon-California," dated April 1956. Leases for these lands shall be at a price or prices designed to obtain the maximum lease revenues. The leases shall provide for the growing of grain, forage, and soil-building crops, except that not more than 25 per centum of the total leased lands may be planted to row crops. All other reserved public lands included in section 2 of this Act shall continue to be managed by the Secretary for waterfowl purposes, including the growing of agricultural crops by direct planting and sharecrop agreements with local cooperators where necessary.

SEC. 5. The areas of sumps 1(a) and 1(b) in the Klamath project lying within the Executive order boundaries of the Tule Lake National Wildlife Refuge shall not be reduced by diking or by any other construction to less than the existing thirteen thousand acres.

SEC. 6. In carrying out the obligations of the United States under any migratory bird treaty, the Migratory Bird Treaty Act (40 Stat. 755), as amended, or the Migratory Bird Conservation Act (45 Stat. 1222), as amended, waters under the control of the Secretary of the Interior shall be regulated, subject to valid existing rights, to maintain sump levels in the Tule Lake National Wildlife Refuge at levels established by regulations issued by the Secretary pursuant to the contract between the United States and the Tululake Irrigation District, dated September 10, 1956, or any amendment thereof. Such regulations shall accommodate to the maximum extent practicable waterfowl management needs.

16 USC 710.

16 USC 715.

SEC. 7. The Secretary is hereby directed to complete studies that have been undertaken relating to the development of the water resources and waterfowl management potential of the Clear Lake National Wildlife Refuge. The results of such studies, when completed, and the recommendations of the Secretary shall be submitted to the Congress.

Research studies.

Report to Congress.

SEC. 8. The Secretary may prescribe such regulations as may be necessary to carry out the provisions of this Act.

Approved September 2, 1964.

Public Law 88-568

September 2, 1964
[H. R. 3672]

AN ACT

To provide for the construction, operation, and maintenance of the Savery-Pot Hook, Bostwick Park, and Fruitland Mesa participating reclamation projects under the Colorado River Storage Project Act.

Savery-Pot Hook,
Bostwick Park,
and Fruitland
Mesa Federal
reclamation proj-
ects.

43 USC 620a.

43 USC 620k.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for the construction, operation, and maintenance of the Savery-Pot Hook Federal reclamation project, Colorado-Wyoming, the Bostwick Park Federal reclamation project, Colorado, and the Fruitland Mesa Federal reclamation project, Colorado, as participating projects under the Colorado River Storage Project Act (70 Stat. 105; 43 U.S.C. 620), section 1 of said Act is amended by inserting the words "Savery-Pot Hook, Bostwick Park, Fruitland Mesa," between the words "Seeds-kadee" and "Silt"; section 2 of said Act is amended by deleting the words "Savery-Pot Hook," "Bostwick Park," and "Fruitland Mesa." The amount which section 12 of said Act authorizes to be appropriated is hereby increased by the sum of \$47,000,000 plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved. This additional sum shall be available solely for the construction of the projects herein authorized.

SEC. 2. The Savery-Pot Hook Federal reclamation project shall be constructed and operated substantially in accordance with the engineering plans set out in the report of the Secretary of the Interior transmitted to the Congress on June 25, 1962, and printed as House Document 461, Eighty-seventh Congress. The Bostwick Park Federal reclamation project shall be constructed and operated substantially in accordance with the engineering plans set out in the report of the Secretary of the Interior submitted to the Congress on July 20, 1962, and printed as House Document 487, Eighty-seventh Congress. The Fruitland Mesa Federal reclamation project shall be constructed and operated substantially in accordance with the engineering plans set out in the report of the Secretary of the Interior transmitted to Congress on April 19, 1963, and printed as House Document 107, Eighty-eighth Congress. Acreage equivalents expressed in those reports may be modified at the discretion of the Secretary of the Interior.

SEC. 3. For the purpose of assisting in the permanent settlement of farm families, protecting project land, facilitating project development, and other beneficial purposes, the provisions of the Act of August 28, 1958 (72 Stat. 963), relating to the Seeds-kadee project in Wyoming, are hereby made equally applicable to the Savery-Pot Hook, Bostwick Park, and Fruitland Mesa projects and all references therein to "Wyoming", "the State of Wyoming", "the laws of the State of Wyoming", or "said State" shall also refer to the State of Colorado to the extent that lands of the said projects are situated therein, except that on the said projects the limitation on lands held in single ownership which may be eligible to receive project water from, through, or by means of project works shall be one hundred and sixty acres of class 1 land as defined for the Bostwick Park project or the equivalent thereof in other land classes as determined by the Secretary of the Interior.

SEC. 4. (a) Costs of the Bostwick Park, Fruitland Mesa, and Savery-Pot Hook projects, incurred pursuant to section 8 of the Act of April 11, 1956 (70 Stat. 105), including an appropriate share of the aggregate of joint costs allocated to recreation and fish and wild-life enhancement shall be nonreimbursable: *Provided*, That in the

43 USC 620g.

case of the Bostwick Park project joint costs allocated to recreation and fish and wildlife enhancement shall in the aggregate be nonreimbursable only to the extent they do not exceed 25 per centum of the cost of joint use land and facilities of that project (joint use land and facilities being defined as land or facilities serving two or more project purposes one of which is recreation or fish and wildlife enhancement) and: *Provided further*, That provision shall be made for the reimbursement, for the contribution by non-Federal interests, or for the reallocation of joint costs of said project allocated to recreation and fish and wildlife enhancement in excess of the foregoing limit under one or a combination of the following methods as may be determined appropriate by the Secretary: (1) provision by non-Federal interests of lands or interests therein, or facilities required for the project; (2) payment, or repayment, with interest at a rate determined in accordance with section 5(f) of the Act of April 11, 1956, as amended, pursuant to agreement with one or more non-Federal public bodies; (3) reallocation to other project functions in the same proportion as joint costs are allocated among such functions.

74 Stat. 227.
43 USC 620d.

(b) In connection with the Bostwick Park and Fruitland Mesa projects the Secretary of the Interior shall transfer lands acquired for the projects within exterior national forest boundaries for administration as national forest, and jurisdiction of national forests lands within the projects shall remain with the Secretary of Agriculture for recreation and other national forest system purposes: *Provided*, That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the projects for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation.

(c) Costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be considered as project costs and allocated as may be appropriate among other project functions.

SEC. 5. For a period of ten years from the date of enactment of this Act, no water from the projects authorized by this Act shall be delivered to any water user for the production of newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

63 Stat. 1051.
7 USC 1421
note.

62 Stat. 1251.
7 USC 1301.

Approved September 2, 1964.

Public Law 88-569

AN ACT

To amend the Act of March 10, 1964.

September 2, 1964
[H. R. 12128]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act of March 10, 1964 (78 Stat. 156), is hereby amended by substituting the figures "\$3,200,000" for the figures "\$2,000,000".

Approved September 2, 1964.

Riverton reclamation project.

Public Law 88-570

September 2, 1964
[H. R. 4844]

AN ACT

Relating to the release of liability under bonds filed under section 44(d) of the Internal Revenue Code of 1939 with respect to certain installment obligations transmitted at death, and to amend the Internal Revenue Code of 1954 with respect to certain reacquisitions of real property.

Taxes.
Installment ob-
ligations.
68A Stat. 235.
26 USC 691.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 691 of the Internal Revenue Code of 1954 (relating to recipients of income in respect of decedents) is amended by relettering subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

“(e) **INSTALLMENT OBLIGATIONS TRANSMITTED AT DEATH WHEN PRIOR LAW APPLIED TO TRANSMISSION.**—

“(1) **IN GENERAL.**—Effective with respect to the first taxable year to which the election referred to in paragraph (2) applies and to each taxable year thereafter, subsection (a) (4) shall apply in the case of installment obligations in respect of which section 44(d) of the Internal Revenue Code of 1939 (or the corresponding provisions of prior law) did not apply by reason of the filing of the bond referred to in such section or provisions. Subsection (c) of this section shall not apply in respect of any amount included in gross income by reason of this paragraph.

“(2) **ELECTION.**—Installment obligations referred to in paragraph (1) may, at the election of the taxpayer holding such obligations, be treated as obligations in respect of which subsection (a) (4) applies. An election under this subsection for any taxable year shall be made not later than the time prescribed by law (including extensions thereof) for filing the return for such taxable year. The election shall be made in such manner as the Secretary or his delegate may by regulations prescribe.

“(3) **RELEASE OF BOND.**—The liability under any bond filed under section 44(d) of the Internal Revenue Code of 1939 (or the corresponding provisions of prior law) in respect of which an election under this subsection applies is hereby released with respect to taxable years to which such election applies.”

SEC. 2. (a) Part III of subchapter O of chapter 1 of the Internal Revenue Code of 1954 (relating to common nontaxable exchanges) is amended by adding at the end thereof the following new section:

“**SEC. 1038. CERTAIN REACQUISITIONS OF REAL PROPERTY.**

“(a) **GENERAL RULE.**—If—

“(1) a sale of real property gives rise to indebtedness to the seller which is secured by the real property sold, and

“(2) the seller of such property reacquires such property in partial or full satisfaction of such indebtedness, then, except as provided in subsections (b) and (d), no gain or loss shall result to the seller from such reacquisition, and no debt shall become worthless or partially worthless as a result of such reacquisition.

“(b) **AMOUNT OF GAIN RESULTING.**—

“(1) **IN GENERAL.**—In the case of a reacquisition of real property to which subsection (a) applies, gain shall result from such reacquisition to the extent that—

“(A) the amount of money and the fair market value of other property (other than obligations of the purchaser) received, prior to such reacquisition, with respect to the sale of such property, exceeds

53 Stat. 24.

26 USC 1031-
1037.

“(B) the amount of the gain on the sale of such property returned as income for periods prior to such reacquisition.

“(2) **LIMITATION.**—The amount of gain determined under paragraph (1) resulting from a reacquisition during any taxable year beginning after the date of the enactment of this section shall not exceed the amount by which the price at which the real property was sold exceeded its adjusted basis, reduced by the sum of—

“(A) the amount of the gain on the sale of such property returned as income for periods prior to the reacquisition of such property, and

“(B) the amount of money and the fair market value of other property (other than obligations of the purchaser received with respect to the sale of such property) paid or transferred by the seller in connection with the reacquisition of such property.

For purposes of this paragraph, the price at which real property is sold is the gross sales price reduced by the selling commissions, legal fees, and other expenses incident to the sale of such property which are properly taken into account in determining gain or loss on such sale.

“(3) **GAIN RECOGNIZED.**—Except as provided in this section, the gain determined under this subsection resulting from a reacquisition to which subsection (a) applies shall be recognized, notwithstanding any other provision of this subtitle.

“(c) **BASIS OF REACQUIRED REAL PROPERTY.**—If subsection (a) applies to the reacquisition of any real property, the basis of such property upon such reacquisition shall be the adjusted basis of the indebtedness to the seller secured by such property (determined as of the date of reacquisition), increased by the sum of—

“(1) the amount of the gain determined under subsection (b) resulting from such reacquisition, and

“(2) the amount described in subsection (b) (2) (B).

If any indebtedness to the seller secured by such property is not discharged upon the reacquisition of such property, the basis of such indebtedness shall be zero.

“(d) **INDEBTEDNESS TREATED AS WORTHLESS PRIOR TO REACQUISITION.**—If, prior to a reacquisition of real property to which subsection (a) applies, the seller has treated indebtedness secured by such property as having become worthless or partially worthless—

“(1) such seller shall be considered as receiving, upon the reacquisition of such property, an amount equal to the amount of such indebtedness treated by him as having become worthless, and

“(2) the adjusted basis of such indebtedness shall be increased (as of the date of reacquisition) by an amount equal to the amount so considered as received by such seller.

“(e) **PRINCIPAL RESIDENCES.**—If—

“(1) subsection (a) applies to a reacquisition of real property with respect to the sale of which—

“(A) an election under section 121 (relating to gain from sale or exchange of residence of an individual who has attained age 65) is in effect, or

“(B) gain was not recognized under section 1034 (relating to sale or exchange of residence); and

“(2) within one year after the date of the reacquisition of such property by the seller, such property is resold by him,

then, under regulations prescribed by the Secretary or his delegate, subsections (b), (c), and (d) of this section shall not apply to the reacquisition of such property and, for purposes of applying sections

Ante, p. 38.

68A Stat. 306.
26 USC 1034.

Ante, p. 38.
68A Stat. 306.
26 USC 1034.

76 Stat. 977.
26 USC 593.

121 and 1034, the resale of such property shall be treated as a part of the transaction constituting the original sale of such property.

“(f) REACQUISITIONS BY DOMESTIC BUILDING AND LOAN ASSOCIATIONS.—This section shall not apply to a reacquisition of real property by an organization described in section 593(a) (relating to domestic building and loan associations, etc.).”

(b) The table of sections for such part III is amended by adding at the end thereof the following:

“Sec. 1038. Certain reacquisitions of real property.”

(c) (1) The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) If the taxpayer makes an election under this paragraph, the amendments made by this section shall also apply to taxable years beginning after December 31, 1957, except that such amendments shall not apply with respect to any reacquisition of real property in a taxable year for which the assessment of a deficiency, or the credit or refund of an overpayment, is prevented on the date of the enactment of this Act by the operation of any law or rule of law. An election under this paragraph shall be made within one year after the date of the enactment of this Act and shall be made in such form and manner as the Secretary of the Treasury or his delegate shall prescribe by regulations.

(3) If an election is made by the taxpayer under paragraph (2), and if the assessment of a deficiency, or the credit or refund of an overpayment, for any taxable year to which such election applies is not prevented on the date of the enactment of this Act by the operation of any law or rule of law—

(A) the period within which a deficiency for such taxable year may be assessed (to the extent such deficiency is attributable to the application of the amendments made by this section) shall not expire prior to one year after the date of such election; and

(B) the period within which a claim for credit or refund of an overpayment for such taxable year may be filed (to the extent such overpayment is attributable to the application of such amendments) shall not expire prior to one year after the date of such election.

No interest shall be payable with respect to any deficiency attributable to the application of such amendments, and no interest shall be allowed with respect to any credit or refund of any overpayment attributable to the application of such amendments, for any period prior to the date of the enactment of this Act. An election by a taxpayer under paragraph (2) shall be deemed a consent to the application of this paragraph.

Approved September 2, 1964.

Public Law 88-571

AN ACT

September 2, 1964
[H. R. 5739]

To amend the Internal Revenue Code of 1954 to correct certain inequities with respect to the taxation of life insurance companies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (e) of section 812 of the Internal Revenue Code of 1954 (rules relating to new companies) is amended to read as follows:

“(e) **NEW COMPANY DEFINED.**—For purposes of this part, a life insurance company is a new company for any taxable year only if such taxable year begins not more than 5 years after the first day on which it (or any predecessor, if section 381(c)(22) applies or would have applied if in effect) was authorized to do business as an insurance company.”

(b) The amendment made by subsection (a) shall apply to a loss from operations for taxable years beginning after December 31, 1955; except that, in the case of a nonqualified corporation as defined in section 812(e)(2)(B) of the Internal Revenue Code of 1954 as in effect before such amendment—

(1) a loss from operations for a taxable year beginning in 1956 shall not be an operating loss carryover to the years 1962 and 1963, and there shall be no reduction in the portion of such loss from operations which may be carried to 1964 by reason of an offset with respect to the year 1962 or 1963, and

(2) a loss from operations for a taxable year beginning in 1957 shall not be an operating loss carryover to the year 1963, and there shall be no reduction in the portion of such loss from operations which may be carried to 1964 and 1965 by reason of an offset with respect to the year 1963.

SEC. 2. Section 815(b)(2)(A)(ii) of the Internal Revenue Code of 1954 (relating to additions to shareholders surplus account) is amended by adding at the end thereof the following: “reduced (in the case of a taxable year beginning after December 31, 1961) by the amount referred to in clause (i).”

SEC. 3. (a) Section 815(d) of the Internal Revenue Code of 1954 (relating to special rules with respect to distributions to shareholders) is amended by adding at the end thereof the following new paragraph:

“(5) **REDUCTION OF POLICYHOLDERS SURPLUS ACCOUNT FOR CERTAIN UNUSED DEDUCTIONS.**—If—

“(A) an amount added to the policyholders surplus account for any taxable year increased (or created) a loss from operations for such year, and

“(B) any portion of the increase (or amount created) in the loss from operations referred to in subparagraph (A) did not reduce the life insurance company taxable income for any taxable year to which such loss was carried,

the policyholders surplus account for the taxable year referred to in subparagraph (A) shall be reduced by the amount described in subparagraph (B).”

(b) Section 6501 of such Code (relating to limitations on assessment and collection) is amended by redesignating subsection (k) as subsection (l), and by inserting after subsection (j) the following new subsection:

“(k) **REDUCTIONS OF POLICYHOLDERS SURPLUS ACCOUNT OF LIFE INSURANCE COMPANIES.**—In the case of a deficiency attributable to the application to the taxpayer of section 815(d)(5) (relating to reductions of policyholders surplus account of life insurance companies

Taxes.
Life insurance
companies.
73 Stat. 128.
26 USC 812.

26 USC 381.

26 USC 815.

26 USC 6501.

for certain unused deductions), such deficiency may be assessed at any time before the expiration of the period within which a deficiency for the last taxable year to which the loss described in section 815(d) (5) (A) is carried under section 812(b) (2) may be assessed."

(c) Section 6511(d) of such Code (relating to special rules applicable to income taxes with regard to limitations on credit or refund) is amended by adding at the end thereof the following new paragraph:

"(6) SPECIAL PERIOD OF LIMITATION WITH RESPECT TO REDUCTION OF POLICYHOLDERS SURPLUS ACCOUNT OF LIFE INSURANCE COMPANIES.—

"(A) PERIOD OF LIMITATION.—If the claim for credit or refund relates to an overpayment arising by operation of section 815(d) (5) (relating to reduction of policyholders surplus account of life insurance companies for certain unused deductions), in lieu of the 3-year period of limitation prescribed in subsection (a), the period shall be that period which ends with the expiration of the 15th day of the 39th month following the end of the last taxable year to which the loss described in section 815(d) (5) (A) is carried under section 812(b) (2), or the period prescribed in subsection (c), in respect of such taxable year, whichever expires later. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in subsection (b) (2) or (c), whichever is applicable, to the extent of the amount of overpayment arising by operation of section 815(d) (5).

"(B) APPLICABLE RULES.—If the allowance of a credit or refund of an overpayment arising by operation of section 815(d) (5) is otherwise prevented by operation of any law or rule of law, other than section 7122 (relating to compromises), such credit or refund may be allowed or made, if claim therefor is filed within the period provided in subparagraph (A) of this paragraph. In the case of any such claim for credit or refund, the determination by any court, including the Tax Court, in any proceeding in which the decision of the court has become final, shall be conclusive except with respect to the effect of the operation of section 815(d) (5), to the extent such effect of the operation of section 815(d) (5) was not in issue in such proceeding."

(d) Section 6601(e) of such Code (relating to income tax reduced by carryback with regard to interest on underpayment, nonpayment, or extensions of time for payment of tax) is amended—

(1) by striking out the heading and inserting in lieu thereof the following: "(e) INCOME TAX REDUCED BY CARRYBACK OR ADJUSTMENT FOR CERTAIN UNUSED DEDUCTIONS.—"; and

(2) by adding at the end thereof the following new paragraph:

"(3) ADJUSTMENT FOR CERTAIN UNUSED DEDUCTIONS OF LIFE INSURANCE COMPANIES.—If the amount of any tax imposed by subtitle A is reduced by operation of section 815(d) (5) (relating to reduction of policyholders surplus account of life insurance companies for certain unused deductions), such reduction in tax shall not affect the computation of interest under this section for the period ending with the last day of the last taxable year to which the loss described in section 815(d) (5) (A) is carried under section 812(b) (2)."

(e) Section 6611(f) of such Code (relating to interest on refunds of income tax caused by carryback) is amended—

Ante, p. 857.
73 Stat. 127.
26 USC 812.
68A Stat. 808;
76 Stat. 891;
Ante, p. 128.
26 USC 6511.

26 USC 7122.

76 Stat. 972.
26 USC 6601.

26 USC 6611.

(1) by striking out the heading and inserting in lieu thereof the following: “(f) REFUND OF INCOME TAX CAUSED BY CARRY-BACK OR ADJUSTMENT FOR CERTAIN UNUSED DEDUCTIONS.—”; and

(2) by adding at the end thereof the following new paragraph:

“(3) ADJUSTMENT FOR CERTAIN UNUSED DEDUCTIONS OF LIFE INSURANCE COMPANIES.—For purposes of subsection (a), if any overpayment of tax imposed by subtitle A arises by operation of section 815(d)(5) (relating to reduction of policyholders surplus account of life insurance companies for certain unused deductions), such overpayment shall be deemed not to have been made prior to the close of the last taxable year to which the loss described in section 815(d)(5)(A) is carried under section 812(b)(2).”

Ante, p. 857.

(f) The amendments made by this section shall apply with respect to amounts added to policyholders surplus accounts (within the meaning of section 815(c) of the Internal Revenue Code of 1954) for taxable years beginning after December 31, 1958.

73 Stat. 127.
26 USC 812.

SEC. 4. (a) Section 815 of the Internal Revenue Code of 1954 (relating to distributions to shareholders) is amended—

26 USC 815.

(1) by striking out the second and third sentences of subsection (a), and

(2) by adding at the end thereof the following new subsection:

“(f) DISTRIBUTION DEFINED.—For purposes of this section, the term ‘distribution’ includes any distribution in redemption of stock or in partial or complete liquidation of the corporation, but does not include—

“(1) any distribution made by the corporation in its stock or in rights to acquire its stock;

“(2) except for purposes of subsection (a)(3) and subsection (e)(2)(B), any distribution in redemption of stock issued before 1958 which at all times on and after the date of issuance and on and before the date of redemption is limited as to dividends and is callable, at the option of the issuer, at a price not in excess of 105 percent of the sum of the issue price and the amount of any contribution to surplus made by the original purchaser at the time of his purchase; or

(3) any distribution after December 31, 1963, of the stock of a controlled corporation to which section 355 applies, if such controlled corporation is an insurance company subject to the tax imposed by section 831 and if—

68A Stat. 113.
26 USC 355.
76 Stat. 997-999.
26 USC 831.

“(A) control was acquired prior to January 1, 1958, or

“(B) control has been acquired after December 31, 1957—

“(i) in a transaction qualifying as a reorganization under section 368(a)(1)(B), if the distributing corporation has at all times since December 31, 1957, owned stock representing not less than 50 percent of the total combined voting power of all classes of stock entitled to vote, and not less than 50 percent of the value of all classes of stock, of the controlled corporation, or

26 USC 368.

“(ii) solely in exchange for stock of the distributing corporation which stock is immediately exchanged by the controlled corporation in a transaction qualifying as a reorganization under section 368(a)(1)(A) or (C), if the controlled corporation has at all times since its organization been wholly owned by the distributing corporation and the distributing corporation has at all times since December 31, 1957, owned stock representing not less than 50 percent of the total combined voting power of all classes of stock entitled to vote, and

not less than 50 percent of the value of all classes of stock, of the corporation the assets of which have been transferred to the controlled corporation in the section 368(a)(1) (A) or (C) reorganization.

68A Stat. 120.
26 USC 368.

Paragraph (3) shall not apply to that portion of the distribution of stock of the controlled corporation equal to the increase in the aggregate adjusted basis of such stock after December 31, 1957, except to the extent such increase results from an acquisition of stock in the controlled corporation in a transaction described in subparagraph (B) of such paragraph. If any part of the increase in the aggregate adjusted basis of stock of the controlled corporation after December 31, 1957, results from the transfer (other than as part of a transaction described in paragraph (3) (B)) by the distributing corporation to the controlled corporation of property which has a fair market value in excess of its adjusted basis at the time of the transfer, paragraph (3) also shall not apply to that portion of the distribution equal to such excess."

(b) The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1963.

73 Stat. 119.
26 USC 805.

SEC. 5. (a) Section 805(d)(1) of the Internal Revenue Code of 1954 (relating to pension plan reserves) is amended by inserting before the period at the end of subparagraph (D) the following: "or purchased to provide retirement annuities for employees described in section 403(b)(1)(A)(ii) by an employer which is a State, a political subdivision of a State, or an agency or instrumentality of any one or more of the foregoing".

75 Stat. 801.
26 USC 403.

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1963.

26 USC 613.

SEC. 6. (a) Section 613(b) of the Internal Revenue Code of 1954 (relating to percentage depletion rates) is amended—

(1) by striking out "beryl," in paragraphs (2)(B) and (6); and

(2) by inserting "beryllium," after "antimony," in paragraph (2)(B).

(b) The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1963.

Ante, p. 99.

SEC. 7. (a) Section 1212(a) of the Internal Revenue Code of 1954 (relating to capital loss carryovers of corporations) is amended to read as follows:

"(a) CORPORATIONS.—

"(1) IN GENERAL.—If for any taxable year a corporation has a net capital loss, the amount thereof shall be a short-term capital loss—

"(A) in each of the 5 succeeding taxable years, or

"(B) to the extent such loss is attributable to a foreign expropriation capital loss, in each of the 10 succeeding taxable years,

to the extent such amount exceeds the total of any net capital gains (determined without regard to this paragraph) of any taxable years intervening between the taxable year in which the net capital loss arose and such succeeding taxable year.

"(2) DEFINITIONS AND SPECIAL RULES.—

"(A) FOREIGN EXPROPRIATION CAPITAL LOSS DEFINED.—For purposes of this subsection, the term 'foreign expropriation capital loss' means, for any taxable year, the sum of the losses taken into account in computing the net capital loss for such year which are—

"(i) losses sustained directly by reason of the expropriation, intervention, seizure, or similar taking of prop-

erty by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing, or

“(ii) losses (treated under section 165(g)(1) as losses from the sale or exchange of capital assets) from securities which become worthless by reason of the expropriation, intervention, seizure, or similar taking of property by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing.

68A Stat. 49.
26 USC 165.

“(B) PORTION OF LOSS ATTRIBUTABLE TO FOREIGN EXPROPRIATION CAPITAL LOSS.—For purposes of paragraph (1), the portion of any net capital loss for any taxable year attributable to a foreign expropriation capital loss is the amount of the foreign expropriation capital loss for such year (but not in excess of the net capital loss for such year).

“(C) PRIORITY OF APPLICATION.—For purposes of paragraph (1), if a portion of a net capital loss for any taxable year is attributable to a foreign expropriation capital loss, such portion shall be considered to be a separate net capital loss for such year to be applied after the other portion of such net capital loss.”

(b) The amendment made by subsection (a) shall apply with respect to net capital losses (to the extent attributable to foreign expropriation capital losses, as defined in section 1212(a)(2)(A) of the Internal Revenue Code of 1954) sustained in taxable years ending after December 31, 1958.

Ante, p. 860.

Approved September 2, 1964.

Public Law 88-572

AN ACT

To authorize the Secretary of the Army to acquire the building constructed on the Fort Jay Military Reservation, New York, by the Young Men's Christian Association.

September 2, 1964
[H. R. 9803]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized to acquire on behalf of the United States, out of funds appropriated pursuant to section 2 of this Act, fee simple title to the building constructed on the Fort Jay Military Reservation, New York, by the Young Men's Christian Association.

Fort Jay Military Reservation,
N. Y.

SEC. 2. The purchase price for the property acquired under this Act shall be \$150,000, provided that no funds may be expended for acquisition of title to the property in the absence of specific appropriation of funds for such acquisition, which appropriation is hereby authorized.

Appropriation
for building.

Approved September 2, 1964.

Public Law 88-573

AN ACT

September 2, 1964
[H. R. 11202]

Making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

Department of
Agriculture and
Related Agencies
Appropriation Act,
1965.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1965, and for other purposes; namely:

DEPARTMENT OF AGRICULTURE

TITLE I—GENERAL ACTIVITIES

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For expenses necessary to perform agricultural research relating to production, utilization, marketing, nutrition and consumer use, to control and eradicate pests and plant and animal diseases, and to perform related inspection, quarantine and regulatory work, and meat inspection: *Provided*, That appropriations hereunder shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed \$75,000 shall be available for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a): *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed two for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to title 5, United States Code, section 565a, for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building (except head-houses connecting greenhouses) shall not exceed \$20,000, except for six buildings to be constructed or improved at a cost not to exceed \$45,000 each, and the cost of altering any one building during the fiscal year shall not exceed \$7,500 or 7.5 per centum of the cost of the building, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to a total of \$100,000 for facilities at Beltsville, Maryland:

Research: For research and demonstrations on the production and utilization of agricultural products; agricultural marketing and distribution, not otherwise provided for; home economics or nutrition and consumer use of agricultural and associated products; and related research and services; and for acquisition of land by donation, exchange, or purchase at a nominal cost not to exceed \$100, \$114,991,000, plus not to exceed the following amounts, to remain available until expended, for the planning, construction, alteration, and equipping of research facilities: \$1,000,000 for crops research facilities at Fort Collins, Colorado; \$850,000 for facilities at the Agricultural Research Center, Beltsville, Maryland; \$800,000 for a stored-product insects laboratory, Savannah, Georgia; \$260,000 for plans for a livestock insects and toxicology laboratory, College Station, Texas; \$338,000 for plans for a plant disease, nematode, and insect laboratory, Beltsville, Maryland; \$160,000 for plans for an insect attractants and stored-product insects laboratory, Gainesville, Florida; \$1,000,000 for a peanut quality research laboratory, at Dawson, Georgia, on a site acquired by donation; and \$240,000 for plans for a

58 Stat. 742.

60 Stat. 810.

58 Stat. 742.

Western cotton insects and physiology laboratory, Tempe, Arizona; a cotton disease laboratory, College Station, Texas; a cotton physiology laboratory, Stoneville, Mississippi; pilot cotton ginning facilities at Stoneville, Mississippi, and Mesilla Park, New Mexico; and facilities in the High Plains region in Texas for cotton ginning and storage research; in all, \$119,639,000: *Provided*, That the limitations contained herein shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113(a));

62 Stat. 198.
21 USC 113a.

Plant and animal disease and pest control: For operations and measures, not otherwise provided for, to control and eradicate pests and plant and animal diseases and for carrying out assigned inspection, quarantine, and regulatory activities, as authorized by law, including expenses pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b-c), \$68,793,200, of which \$1,500,000 shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended, for the control of outbreaks of insects and plant diseases to the extent necessary to meet emergency conditions: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by any State of at least 40 per centum: *Provided further*, That no funds in excess of \$250,000 shall be available for carrying out the screwworm eradication program that does not require minimum matching by State or local sources of at least 50 per centum of the expenses of production, irradiation, and release of the screwworm flies: *Provided further*, That, in addition, in emergencies which threaten the livestock or poultry industries of the country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, or European fowl pest and similar diseases in poultry, and for expenses in accordance with the Act of February 28, 1947, as amended, and any unexpended balances of funds transferred under this head in the next preceding fiscal year shall be merged with such transferred amounts;

61 Stat. 7.
31 USC 665.

Meat inspection: For carrying out the provisions of laws relating to Federal inspection of meat, and meat-food products, and the applicable provisions of the laws relating to process or renovated butter, \$30,837,000;

Special fund: To provide for additional labor to be employed under contracts and cooperative agreements to strengthen the work at research installations in the field, not more than \$1,000,000 of the amount appropriated under this head for the previous fiscal year may be used by the Administrator of the Agricultural Research Service in departmental research programs in the current fiscal year, the amount so used to be transferred to and merged with the appropriation otherwise available under "Salaries and expenses, Research".

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which accrue under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), for market development research authorized by section 104(a) and for agricultural and forestry research and other functions related thereto authorized by section 104(k) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(a)(k)), to remain available until expended, \$2,000,000: *Provided*, That this appropriation shall be available in addition to other appropriations for these purposes, for payments in

68 Stat. 456.

72 Stat. 275.

the foregoing currencies: *Provided further*, That funds appropriated herein shall be used for payments in such foreign currencies as the Department determines are needed and can be used most effectively to carry out the purposes of this paragraph, and such foreign currencies shall, pursuant to the provisions of section 104(a), be set aside for sale to the Department before foreign currencies which accrue under said title I are made available for other United States uses: *Provided further*, That not to exceed \$25,000 of this appropriation shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For an additional amount for "Forest protection and utilization", for Forest research, \$1,900,000, of which \$50,000 for Forest research construction shall remain available until expended.

COOPERATIVE STATE RESEARCH SERVICE

PAYMENTS AND EXPENSES

For payments to agricultural experiment stations, for grants for cooperative forestry research, for basic scientific research, and for facilities, and for other expenses, including \$45,113,000 to carry into effect the provisions of the Hatch Act, approved March 2, 1887, as amended by the Act approved August 11, 1955 (7 U.S.C. 361a-361i), including administration by the United States Department of Agriculture; \$1,000,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a-582a-7); \$3,242,000 for grants for facilities under the Act approved July 22, 1963 (77 Stat. 90); \$310,000 for penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended; and \$267,000 for necessary expenses of the Cooperative State Research Service, including administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed \$30,000 for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); in all, \$49,932,000.

EXTENSION SERVICE

COOPERATIVE EXTENSION WORK, PAYMENTS AND EXPENSES

Payments to States and Puerto Rico: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, and the Act of October 5, 1962 (7 U.S.C. 341-349), \$70,530,000; and payments and contracts for such work under section 204(b)-205 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623-1624), \$1,570,000; in all, \$72,100,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, shall not be paid to any State or Puerto Rico prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

Retirement and Employees' Compensation costs for extension agents: For cost of employer's share of Federal retirement and for reimbursement for benefits paid from the Employees' Compensation Fund for cooperative extension employees, \$7,510,000.

68 Stat. 456;
73 Stat. 606.
7 USC 1704.

58 Stat. 742.
60 Stat. 810.

69 Stat. 671.

76 Stat. 806.

7 USC 390.

69 Stat. 673.
7 USC 361f.

67 Stat. 83;
69 Stat. 683;
76 Stat. 745.

60 Stat. 1089.

Penalty mail: For costs of penalty mail for cooperative extension agents and State extension directors, \$3,113,000.

Federal Extension Service: For administration of the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, and the Act of October 5, 1962 (7 U.S.C. 341-349), and extension aspects of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, \$2,451,000.

67 Stat. 83;
69 Stat. 683;
76 Stat. 745.

FARMER COOPERATIVE SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the Act of July 2, 1926 (7 U.S.C. 451-457), and for conducting research relating to the economic and marketing aspects of farmer cooperatives, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), \$1,102,000.

44 Stat. 802.

60 Stat. 1087.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-590f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures as may be necessary to prevent floods and the siltation of reservoirs); operation of conservation nurseries; classification and mapping of soil; dissemination of information; purchase and erection or alteration of permanent buildings; and operation and maintenance of aircraft, \$100,511,000: *Provided*, That the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed \$2,500, except for one building to be constructed at a cost not to exceed \$25,000 and eight buildings to be constructed or improved at a cost not to exceed \$15,000 per building and except that alterations or improvements to other existing permanent buildings costing \$2,500 or more may be made in any fiscal year in an amount not to exceed \$500 per building: *Provided further*, That no part of this appropriation shall be available for the construction of any such building on land not owned by the Government: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a-590f), in demonstration projects: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed \$5,000 shall be available for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a): *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the service.

49 Stat. 163.

58 Stat. 742.

60 Stat. 810.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, \$5,524,000.

WATERSHED PROTECTION

For necessary expenses to conduct river basin surveys and investigations, and research and to carry out preventive measures, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1001-1008), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), to remain available until expended, \$60,324,000, with which shall be merged the unexpended balances of funds heretofore appropriated or transferred to the Department for watershed protection purposes: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed \$100,000 shall be available for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a): *Provided further*, That not to exceed \$4,000,000, together with the unobligated balance of funds previously appropriated for loans and related expense, shall be available for such purposes.

68 Stat. 666.

58 Stat. 742.

60 Stat. 810.

FLOOD PREVENTION

For necessary expenses, in accordance with the Flood Control Act, approved June 22, 1936 (33 U.S.C. 701-709, 16 U.S.C. 1006a), as amended and supplemented, and in accordance with the provisions of laws relating to the activities of the Department, to perform works of improvement, including funds for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed \$100,000 for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), to remain available until expended; \$25,423,000, with which shall be merged the unexpended balances of funds heretofore appropriated or transferred to the Department for flood prevention purposes: *Provided*, That no part of such funds shall be used for the purchase of lands in the Yazoo and Little Tallahatchie watersheds without specific approval of the county board of supervisors of the county in which such lands are situated: *Provided further*, That not to exceed \$1,000,000, together with the unobligated balance of funds previously appropriated for loans and related expense, shall be available for such purposes.

49 Stat. 1570.
33 USC 701a-
701h.
70 Stat. 1090.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956 (16 U.S.C. 590p), \$14,744,000, to remain available until expended.

70 Stat. 1115.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development, and for sound land use, pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), \$1,770,000, to remain available until expended: *Provided*, That not to exceed \$500,000 of such amount shall be available for loans and related expenses under subtitle A of the Consolidated Farmers Home Administration Act of 1961, as amended: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574),

49 Stat. 163.

75 Stat. 307.
7 USC 1922-
1929.

and not to exceed \$50,000 shall be available for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

ECONOMIC RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; and for analyses of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products; \$10,576,000: *Provided*, That not less than \$350,000 of the funds contained in this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and consumer: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed \$75,000 shall be available for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a): *Provided further*, That not less than \$145,000 of the funds contained in this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

60 Stat. 1087.

58 Stat. 742.

STATISTICAL REPORTING SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Statistical Reporting Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, \$11,481,000: *Provided*, That no part of the funds herein appropriated shall be available for any expense incident to publishing estimates of apple production for other than the commercial crop.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For expenses necessary to carry on services related to agricultural marketing and distribution as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, including the administration of marketing regulatory acts connected therewith and for administration and coordination of payments to States; and this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed \$25,000 shall be available for employment at rates not to exceed \$75 per diem under section 15 of the Act of August 2, 1946 (5 U.S.C.

52 Stat. 36.
60 Stat. 1088.
7 USC 1622.

55a), in carrying out section 201(a) to 201(d), inclusive, of title II of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291) and section 203(j) of the Agricultural Marketing Act of 1946; \$39,566,000.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,500,000.

SPECIAL MILK PROGRAM

75 Stat. 319.

49 Stat. 774.
7 USC 612c.
75 Stat. 294.
7 USC 1911
note.

For necessary expenses to carry out the Special Milk Program, as authorized by the Act of August 8, 1961 (7 U.S.C. 1446, note), \$103,000,000, of which \$51,500,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612): *Provided*, That hereafter appropriations under this head shall be made in accordance with the provisions of Public Law 87-128.

SCHOOL LUNCH PROGRAM

60 Stat. 230;
76 Stat. 944.

For necessary expenses to carry out the provisions of the National School Lunch Act, as amended (42 U.S.C. 1751-1760), \$146,400,000: *Provided*, That no part of this appropriation shall be used for non-food assistance under section 5 of said Act: *Provided further*, That \$45,000,000 shall be transferred to this appropriation from funds available under section 32 of the Act of August 24, 1935, for purchase and distribution of agricultural commodities and other foods pursuant to section 6 of the National School Lunch Act.

REMOVAL OF SURPLUS AGRICULTURAL COMMODITIES

(SECTION 32)

70 Stat. 1119.
16 USC 742a
note.

50 Stat. 246.
7 USC 674.
75 Stat. 294.
7 USC 1911
note.

77 Stat. 820.

No funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used for any purpose other than commodity program expenses as authorized therein, and other related operating expenses, except for (1) transfers to the Department of the Interior as authorized by the Fish and Wildlife Act of August 8, 1956, (2) transfers otherwise provided in this Act, (3) not more than \$2,924,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961, (4) not more than \$35,000,000 for expenses for the Pilot Food Stamp Program and (5) not in excess of \$12,175,000 to be used to increase domestic consumption of farm commodities pursuant to authority contained in Public Law 88-250, the Department of Agriculture and Related Agencies Appropriation Act, 1964, of which amount \$500,000 shall remain available until expended for construction, alteration and modification of research facilities.

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

68 Stat. 908.

For necessary expenses for the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$35,000 for representation allowances and for expenses pursu-

ant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$20,488,000: *Provided*, That not less than \$255,000 of the funds contained in this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis: *Provided further*, That, in addition, not to exceed \$3,117,000 of the funds appropriated by section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), shall be merged with this appropriation and shall be available for all expenses of the Foreign Agricultural Service.

70 Stat. 1034.

49 Stat. 774.

COMMODITY EXCHANGE AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1-17a), \$1,119,000.

42 Stat. 998;
49 Stat. 1491.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EXPENSES, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301-1393); Sugar Act of 1948, as amended (7 U.S.C. 1101-1161); sections 7 to 15, 16(a), 16(d), 16(e), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g-590q; 7 U.S.C. 1010-1011) as added by section 132 of the Act of August 8, 1961; subtitles B and C of the Soil Bank Act (7 U.S.C. 1831-1837, 1802-1814, and 1816); and laws pertaining to the Commodity Credit Corporation, \$105,602,000: *Provided*, That, in addition, not to exceed \$87,508,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund (including not to exceed \$35,668,000 under the limitation on Commodity Credit Corporation administrative expenses): *Provided further*, That other funds made available to Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this appropriation: *Provided further*, That no part of the funds appropriated or made available under this Act shall be used, (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program function prescribed in administrative regulations.

52 Stat. 38.

61 Stat. 922.

49 Stat. 1148.
50 Stat. 525.
75 Stat. 302.
70 Stat. 191;
73 Stat. 552.

62 Stat. 792.

52 Stat. 31.
16 USC 590h.

SUGAR ACT PROGRAM

For necessary expenses to carry into effect the provisions of the Sugar Act of 1948 (7 U.S.C. 1101-1161), \$90,000,000, to remain available until June 30 of the next succeeding fiscal year.

AGRICULTURAL CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended (16 U.S.C. 590g-590(o), 590p(a), and 590q), including not to exceed \$6,000 for

the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, \$225,000,000, to remain available until December 31 of the next succeeding fiscal year for compliance with the programs of soil-building and soil- and water-conserving practices authorized under this head in the Department of Agriculture and Related Agencies Appropriation Acts, 1963 and 1964, carried out during the period July 1, 1962, to December 31, 1964, inclusive: *Provided*, That none of the funds herein appropriated shall be used to pay the salaries or expenses of any regional information employees or any State information employees, but this shall not preclude the answering of inquiries or supplying of information at the county level to individual farmers: *Provided further*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetland Types 3 (III), 4 (IV), and 5 (V) in United States Department of the Interior, Fish and Wildlife Service Circular 39, Wetlands of the United States, 1956: *Provided further*, That necessary amounts shall be available for administrative expenses in connection with the formulation and administration of the 1965 program of soil-building and soil- and water-conserving practices, including related wildlife conserving practices, under the Act of February 29, 1936, as amended (amounting to \$220,000,000, excluding administration, except that no participant shall receive more than \$2,500, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community): *Provided further*, That not to exceed 5 per centum of the allocation for the current year's agricultural conservation program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the agricultural conservation program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program \$2,500,000 shall be available for technical assistance in formulating and carrying out agricultural conservation practices: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other farming material, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary under programs provided for herein: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18, United States Code, section 1913, to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels.

76 Stat. 1210;
77 Stat. 827.

49 Stat. 1148.
16 USC 590g-
590q.

53 Stat. 1147;
54 Stat. 767.
5 USC 118k
note.
62 Stat. 792.

CONSERVATION RESERVE PROGRAM

For necessary expenses to carry out a conservation reserve program as authorized by subtitles B and C of the Soil Bank Act (7 U.S.C. 1831-1837, 1802-1814, and 1816), and to carry out liquidation activities for the acreage reserve program, to remain available until expended, \$194,000,000, with which may be merged the unexpended balances of funds heretofore appropriated for soil bank programs: *Provided*, That no part of these funds shall be paid on any contract which is illegal under the law due to the division of lands for the purpose of evading limits on annual payments to participants.

70 Stat. 191, 196;
73 Stat. 552.

CROPLAND CONVERSION PROGRAM

For necessary expenses to promote the conservation and economic use of land pursuant to the provisions of section 16(e) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h, 590p), as amended, \$15,000,000, to remain available until expended.

76 Stat. 606.

EMERGENCY CONSERVATION MEASURES

For emergency conservation measures, to be used for the same purposes and subject to the same conditions as funds appropriated under this head in the Third Supplemental Appropriation Act, 1957, to remain available until expended, \$4,000,000, with which shall be merged the unexpended balances of funds heretofore appropriated for emergency conservation measures.

71 Stat. 176.

OFFICE OF RURAL AREAS DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Office of Rural Areas Development in providing leadership, coordination, liaison, and related services in the rural areas development activities of the Department, \$124,000: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed \$3,000 shall be available for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

58 Stat. 742.

60 Stat. 810.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), \$9,874,000.

OFFICE OF THE GENERAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses, including payment of fees or dues for the use of law libraries by attorneys in the field service, \$3,853,000.

OFFICE OF INFORMATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Information for the dissemination of agricultural information and the coordination of informational work and programs authorized by Congress in the Department, \$1,648,000, of which total appropriation not to exceed \$537,000 may be used for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be available to be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct (7 U.S.C. 417), and not less than two hundred and thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by section 73 of the Act of January 12, 1895 (44 U.S.C. 241): *Provided*, That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed \$10,000 shall be available for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

34 Stat. 690.

28 Stat. 612.

58 Stat. 742.

NATIONAL AGRICULTURAL LIBRARY

SALARIES AND EXPENSES

For necessary expenses of the National Agricultural Library, \$1,547,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed \$35,000 shall be available for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

60 Stat. 810.

OFFICE OF MANAGEMENT SERVICES

SALARIES AND EXPENSES

For necessary expenses to enable the Office of Management Services to provide management support services to selected agencies and offices of the Department of Agriculture, \$2,482,000.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Agriculture and for general administration of the Department of Agriculture, including expenses of the National Agricultural Advisory Commission; repairs and alterations; and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, \$3,314,000: *Provided*, That this appropriation shall be reimbursed from applicable appropriations for travel expenses incident to the holding of hearings as required by the Administrative Procedures Act (5 U.S.C. 1001): *Provided further*, That not to exceed \$2,500 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

60 Stat. 237.

TITLE II—CREDIT AGENCIES

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-924), as follows:

49 Stat. 1363;
63 Stat. 948.

LOAN AUTHORIZATIONS

For loans in accordance with said Act, and for carrying out the provisions of section 7 thereof, to be borrowed from the Secretary of the Treasury in accordance with the provisions of section 3(a) of said Act, as follows: Rural electrification program, \$365,000,000, of which \$90,000,000 shall be placed in reserve to be borrowed under the same terms and conditions to the extent that such amount is required during the current fiscal year under the then existing conditions for the expeditious and orderly development of the rural electrification program; and rural telephone program, \$70,000,000, of which \$7,000,000 shall be placed in reserve to be borrowed under the same terms and conditions to the extent that such amount is required during the current fiscal year under the then existing conditions for the expeditious and orderly development of the rural telephone program.

7 USC 907.

7 USC 903.

SALARIES AND EXPENSES

For administrative expenses, including not to exceed \$500 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed \$150,000 for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), \$11,578,000.

58 Stat. 742.

60 Stat. 810.

FARMERS HOME ADMINISTRATION

DIRECT LOAN ACCOUNT

Direct loans and advances under subtitles A and B, and advances under section 335(a) for which funds are not otherwise available, of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), as amended, may be made from funds available in the Farmers Home Administration direct loan account as follows: real estate loans, \$60,000,000; and operating loans, \$300,000,000, of which \$50,000,000 shall be placed in reserve to be used only to the extent required during current fiscal year under the then existing conditions for the expeditious and orderly conduct of the loan program.

75 Stat. 315.
7 USC 1985.

RURAL RENEWAL

For necessary expenses, including administrative expenses, in carrying out rural renewal activities under section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, \$1,200,000, to remain available until expended.

76 Stat. 607.
7 USC 1011.

RURAL HOUSING FOR THE ELDERLY REVOLVING FUND

For loans pursuant to section 515(a) of the Housing Act of 1949, as amended (42 U.S.C. 1485), including advances pursuant to section 335(a) of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1985) in connection with security for such loans, \$5,000,000.

76 Stat. 671.

SALARIES AND EXPENSES

75 Stat. 307.

64 Stat. 98.

75 Stat. 186.
42 USC 1484.

58 Stat. 742.

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), as amended, title V of the Housing Act of 1949, as amended (42 U.S.C. 1471-1484), and the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440-444); \$39,544,000, together with not more than \$2,250,000 of the charges collected in connection with the insurance of loans as authorized by section 309(e) of the Consolidated Farmers Home Administration Act of 1961, as amended, and section 514(b)(3) of the Housing Act of 1949, as amended: *Provided*, That, in addition, not to exceed \$500,000 of the funds available for the various programs administered by this Agency may be transferred to this appropriation for temporary field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574) to meet unusual or heavy workload increases: *Provided further*, That no part of any funds in this paragraph may be used to administer a program which makes rural housing grants pursuant to section 504 of the Housing Act of 1949, as amended.

TITLE III—CORPORATIONS

61 Stat. 584.
31 USC 849.

The following corporations and agencies are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided:

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, \$6,942,000.

FEDERAL CROP INSURANCE CORPORATION FUND

Not to exceed \$3,638,000 of administrative and operating expenses may be paid from premium income.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

75 Stat. 391.

To partially reimburse the Commodity Credit Corporation for net realized losses sustained during the fiscal year ending June 30, 1963, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a-12), \$1,574,000,000.

LIMITATION ON ADMINISTRATIVE EXPENSES

Nothing in this Act shall be so construed as to prevent the Commodity Credit Corporation from carrying out any activity or any program authorized by law: *Provided*, That not to exceed \$37,351,000 shall be available for administrative expenses of the Corporation: *Provided further*, That \$945,000 of this authorization shall be avail-

able only to expand and strengthen the sales program of the Corporation pursuant to authority contained in the Corporation's charter: *Provided further*, That not less than 7 per centum of this authorization shall be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That no part of the administrative funds authorized under this head or of the capital funds of the Commodity Credit Corporation shall be available to formulate or administer a cotton loan program during fiscal year 1965 which requires that micronaire readings shall be mandatory as a part of the cotton classing in connection with cotton loans.

31 USC 665.

PUBLIC LAW 480

For expenses during fiscal year 1965, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1701-1709, 1721-1724, 1731-1736), to remain available until expended, as follows: (1) Sale of surplus agricultural commodities for foreign currencies pursuant to title I of said Act, \$1,612,000,000; (2) commodities disposed of for emergency famine relief to friendly peoples pursuant to title II of said Act, \$220,453,000; and (3) long-term supply contracts pursuant to title IV of said Act, \$35,000,000.

68 Stat. 455;
73 Stat. 610.

INTERNATIONAL WHEAT AGREEMENT

For expenses during fiscal year 1965 and unrecovered prior years' costs, including interest thereon, under the International Wheat Agreement Act of 1949, as amended (7 U.S.C. 1641-1642), \$31,838,000, to remain available until expended.

63 Stat. 945.

BARTERED MATERIALS FOR SUPPLEMENTAL STOCKPILE

For expenses during fiscal year 1965 and unrecovered prior years' costs related to strategic and other materials acquired as a result of barter or exchange of agricultural commodities or products and transferred to the supplemental stockpile pursuant to Public Law 540, Eighty-fourth Congress (7 U.S.C. 1856), \$92,860,000, to remain available until expended.

70 Stat. 200.

TITLE IV—RELATED AGENCIES

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$2,876,000 (from assessments collected from farm credit agencies) shall be obligated during the current fiscal year for administrative expenses.

TITLE V—GENERAL PROVISIONS

Passenger motor
vehicles.

SEC. 501. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed four hundred and seventy-four passenger motor vehicles, of which four hundred and fifty-two shall be for replacement only, and for the hire of such vehicles.

Employment of
aliens.

SEC. 502. Provisions of law prohibiting or restricting the employment of aliens shall not apply to employment under the appropriation for the Foreign Agricultural Service.

Uniform allow-
ances.

SEC. 503. Funds available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131).

68 Stat. 1114.

SEC. 504. No part of the funds appropriated by this Act shall be used for the payment of any officer or employee of the Department who, as such officer or employee, or on behalf of the Department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast, except as to damage threatened or caused by insects and pests, with respect to future prices of cotton or the trend of same.

Twine.

SEC. 505. Except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated by this Act shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States.

Contracting.

SEC. 506. Not less than \$1,500,000 of the appropriations of the Department for research and service work authorized by the Acts of August 14, 1946, July 28, 1954, and September 6, 1958 (7 U.S.C. 427, 1621-1629; 42 U.S.C. 1891-1893), shall be available for contracting in accordance with said Acts.

Short title.

This Act may be cited as the "Department of Agriculture and Related Agencies Appropriation Act, 1965".

Approved September 2, 1964.

Public Law 88-574

AN ACT

September 2, 1964
[H. R. 11594]

To authorize the Secretary of the Navy to convey to the State of California certain lands in the county of Monterey, State of California, in exchange for certain other lands.

Monterey, Calif.
Land exchange.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, the Secretary of the Navy, or his designee, is authorized to convey to the State of California, subject to the terms and conditions hereinafter stated, and to such other terms and conditions as the Secretary of the Navy, or his designee, shall deem to be in the public interest, all right, title, and interest of the United States in and to the land located in the county of Monterey, State of California, described substantially as follows:

PARCEL 1

For freeway purposes that parcel of land in the city of Monterey, county of Monterey, State of California, described as follows: Beginning at a brass cap monument designated M-145, which said monument is the southwesterly terminus of course (38)

described in the deed to the State of California, recorded December 12, 1960, in volume 2105 of official records, at page 396, records of said county;

thence (a) along the westerly line of the United States Navy property, also being course (39) in last said deed, south 06 degrees 36 minutes 03 seconds west, 15.28 feet;

thence (b) north 38 degrees 48 minutes 10 seconds east, 235.86 feet;

thence (c) north 28 degrees 11 minutes 44 seconds east, 546.05 feet;

thence (d) north 20 degrees 05 minutes 51 seconds east, 66.49 feet to a point on the westerly line of the United States Navy property, which last said line is also the above said course (38);

thence (e) along said course (38) south 30 degrees 56 minutes 03 seconds west, 830.46 feet to the point of beginning; subject to easements and rights-of-way for pipelines as granted by Pacific Improvement Company to the Monterey County Waterworks, by deed dated August 27, 1907, and recorded September 3, 1907, in volume 98 of deeds at page 154, Monterey County records.

Together with the release and relinquishment of all abutter's rights of access, appurtenant to the Navy's remaining property, in and to said freeway. Containing 0.45 of an acre, more or less.

Bearings and distances used herein are based on the California coordinate system, zone 4; multiply distances called by 1.0000592 to obtain ground level distances.

PARCEL 2

For highway purposes, that part of the portion of real property in the city of Monterey, county of Monterey, State of California, conveyed to the United States of America by deed recorded June 15, 1948, in volume 1068 of official records at page 1, records of said county, described as follows: Beginning at monument M-124 as said monument is delineated on the map filed February 13, 1953, in volume 4 of surveys, at page 105, records of said county;

thence (aa) along a line connecting said monument M-124, with monument M-151, as delineated on said map, south 11 degrees 12 minutes 09 seconds east, 65.42 feet;

thence (bb), south 36 degrees 00 minutes 14 seconds east, 58.12 feet;

thence (cc), north 62 degrees 57 minutes 51 seconds east, 8.79 feet to a point on the westerly line of Aguajito Road as shown on last said map;

thence (dd) along the said westerly line north 27 degrees 02 minutes 09 seconds west, 120.34 feet to the point of beginning; subject to easements and rights-of-way for pipelines as granted by Pacific Improvement Company to the Monterey County Water Works, by deed dated August 27, 1907, and recorded September 3, 1907, in volume 98 of deeds at page 154, Monterey County records. Containing 0.03 of an acre, more or less.

Bearings and distances used herein are based on the California coordinate system, zone 4; multiply distances called by 1.0000592 to obtain ground level distances.

PARCEL 3

For a freeway and adjacent frontage road that part of the portion of land in the city of Monterey, county of Monterey, State of California, conveyed to the United States of America by deed recorded June 15, 1948, in volume 1068 of official records, at page 1, records of said county, described as follows: Beginning

at monument M-103 on the northeasterly line of the existing State highway, "Road V-Mon-117-Mon, A," as shown on the map recorded May 27, 1957, in volume 5 of surveys, at page 110, records of said county;

thence (1A) northeasterly along the property line of said portion conveyed to the United States of America to a concrete monument with a disk stamped "R.E. 707" set at an angle point in the property line of the Monterey Peninsula Airport as shown on said map recorded at page 110;

thence (2A) along course (10) under parcels III and IV in said deed to the United States of America, north 12 degrees 33 minutes 55 seconds west, 189.49 feet;

thence (3A) tangent to a line bearing north 74 degrees 43 minutes 41 seconds west, along a curve to the left with a radius of 642.69 feet through an angle of 6 degrees 10 minutes 12 seconds for an arc length of 69.21 feet;

thence (4A), north 75 degrees 39 minutes 00 seconds west, 221.21 feet;

thence (5A), along a tangent curve to the right with a radius of 400 feet through an angle of 57 degrees 41 minutes 19 seconds for an arc length of 402.74 feet;

thence (6A), north 14 degrees 24 minutes 42 seconds west, 163.72 feet;

thence (7A), north 27 degrees 30 minutes 56 seconds west, to a point on course (14) under said parcels III and IV in said deed to the United States of America;

thence (8A), westerly along said course (14) to said northeasterly line of said existing State highway;

thence (9A), southeasterly along said northeasterly line to the point of beginning; subject to covenants, conditions, restrictions, easements, and reservations of record, if any.

Together with the release and relinquishment of all abutter's rights of access including access rights appurtenant to the Navy's remaining property in and to said freeway, provided however, that such remaining property shall abut upon and have access to said frontage road which will be connected to the freeway only at such points as may be established by public authority. Containing 6.47 acres, more or less.

Bearings and distances used herein are based on the California coordinate system, zone 4; multiply distances called by 1.0000592 to obtain ground level distances.

SEC. 2. In consideration of the conveyance by the United States of the aforesaid lands, the State of California shall convey to the United States lands located in the County of Monterey, State of California, described substantially as follows:

PARCEL 4

That parcel of land in the City of Monterey, County of Monterey, State of California, described as follows: Beginning at the southwesterly corner of that certain 94.984-acre tract conveyed by David Jacks to the Pacific Improvement Company, by deed dated May 11, 1880, and recorded in volume 1 of deeds at page 5, records of said county; thence (1B) northerly along the westerly line of said 94.984-acre tract to the northwesterly corner thereof, said corner being marked on the ground by a monument designated M-92; thence (2B) south 01 degree 20 minutes 04 seconds east, 53.25 feet;

thence (3B), south 02 degrees 31 minutes 54 seconds west, 648.36 feet;

thence (4B), south 03 degrees 49 minutes 15 seconds east, 308.63 feet;

thence (5B), south 18 degrees 11 minutes 15 seconds east, 341.40 feet;

thence (6B), south 27 degrees 30 minutes 56 seconds east, to the southerly line of the parcel of land conveyed to the State of California by final order of condemnation, recorded April 10, 1962 in reel 41 of official records, at page 251, records of said County;

thence (7B), easterly along last said line to the point of beginning; subject to a right of way from T. A. Work to Pacific Gas and Electric Company by instrument dated September 28, 1928, recorded October 3, 1929 in book 209 of official records at page 407, records of Monterey County, subject also to covenants, restrictions, easements, and reservations of record, if any. Containing 5.13 acres, more or less.

Excepting and reserving unto the State of California any and all rights of ingress to or egress from the real property herein conveyed to or from the freeway lying westerly of said real property; provided, however, that said real property shall abut upon and have access to a frontage road which will be connected with said freeway only at such points as may be established by public authority.

Bearings and distances used herein are based on the California coordinate system, zone 4; multiply distances called by 1.0000592 to obtain ground level distances.

PARCEL 5

That portion of lot 1 in block 1, city of Monterey, county of Monterey, State of California, as said lot and block are shown on the map of "Tract No. 370 Del Monte Research Park" filed in volume 7, of cities and towns, sheet 2 of 5 at page 19, records of said county, described as follows: Beginning at a 1½-inch iron pipe with copper disc stamped "L.S. 2975," said point marking the intersection of the southerly line of the Monterey Peninsula Airport district property with the northeasterly line of Garden Road, as said two lines are delineated on said map recorded in volume 7;

thence (1), along said northeasterly line, tangent to a line bearing south 42 degrees 42 minutes 45 seconds east, along a curve to the left with a radius of 809.95 feet, through an angle of 14 degrees 45 minutes 30 seconds for an arc length of 208.63 feet;

thence (2) north 77 degrees 26 minutes 05 seconds east, 225.00 feet;

thence (3), north 02 degrees 28 minutes 53 seconds west, 167.59 feet to a point on said southerly line of the Monterey Peninsula Airport;

thence (4), along last said southerly line south 77 degrees 26 minutes 05 seconds west, 381.07 feet to the point of beginning; subject to covenants, conditions, restrictions, easements and reservations of record, if any. Containing 1.17 acres, more or less.

Bearings and distances used herein are based on the California coordinate system, zone 4; multiply distances called by 1.0000592 to obtain ground level distances.

SEC. 3. The Secretary of the Navy, or his designee, is also authorized to accept from the State of California, or any local agency or subdivision thereof, such appropriate interests in other land as may be considered necessary for protection of the interests of the United States in connection with the exchange.

Approved September 2, 1964.

72 Stat. 484;
76 Stat. 1243.

SEC. 105. Section 401 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-832) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of this or any other law, each deputy chief of the Metropolitan Police force and of the Fire Department of the District of Columbia shall, upon completion of thirty years of continuous service on the police force or fire department, as the case may be, including service in the Armed Forces of the United States, but excluding any period of time determined not to have been satisfactory service, be placed in, and receive basic compensation at, the highest longevity step in the class or subclass to which his position is assigned in the schedule of rates established by section 101 of this Act. Nothing in this subsection shall be construed to authorize the payment of any retroactive compensation."

Retroactive
salary provisions.

SEC. 106. (a) Retroactive compensation or salary shall be paid by reason of this title only in the case of an individual in the service of the District of Columbia Government or of the United States (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive compensation or salary shall be paid (1) to an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, or the White House Police force, who retired during the period beginning on the first day of the first pay period which began on or after July 1, 1964, and ending on the date of enactment of this Act for services rendered during such period, and (2) in accordance with the provisions of the Act of August 3, 1950 (Public Law 636, Eighty-first Congress), as amended, for services rendered during the period beginning on the first day of the first pay period which began on or after July 1, 1964, and ending on the date of enactment of this Act by an officer or member who dies during such period.

64 Stat. 395.
5 USC 61f-61k.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

Life insurance.

SEC. 107. For the purpose of determining the amount of insurance for which an officer or member is eligible under the Federal Employees' Group Life Insurance Act of 1954, all changes in rates of compensation or salary which result from the enactment of this title shall be held and considered to be effective as of the date of enactment of this Act.

68 Stat. 736.
5 USC 2091
note.

Effective date.

SEC. 108. The provisions of this title shall take effect on the first day of the first pay period beginning on or after July 1, 1964.

TITLE II—SALARY INCREASES FOR TEACHERS, SCHOOL OFFICERS, AND OTHER EMPLOYEES OF THE BOARD OF EDUCATION

SEC. 201. The Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, and for other purposes", approved August 5, 1955 (69 Stat. 521, ch. 569), as amended, is amended as follows:

76 Stat. 1229.
D.C. Code
31-1501 et seq.

Public Law 88-576

AN ACT

Making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1965, and for other purposes.

September 2, 1964
[H. R. 11369]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1965, for military construction functions administered by the Department of Defense, and for other purposes, namely:

Military Construction Appropriation Act, 1965.

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Army as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, \$300,393,000, to remain available until expended.

72 Stat. 1459,
1460.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, and facilities for the Navy as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, including personnel in the Bureau of Yards and Docks and other personal services necessary for the purposes of this appropriation, \$247,867,000, to remain available until expended.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Air Force as currently authorized in military public works or military construction Acts, in sections 2673 and 2675 of title 10, United States Code, and the Act of April 1, 1954 (Public Law 325), without regard to section 9774(d) of title 10, United States Code, \$332,101,000, to remain available until expended.

68 Stat. 47.
70A Stat. 590.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

For acquisition, construction, installation and equipment of temporary or permanent public works, installations and facilities for activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense), as currently authorized in military public works or military construction acts, and in sections 2673 and 2675 of title 10, United States Code, \$12,656,000, to remain available until expended; and, in addition, not to exceed \$20,000,000 to be derived by transfer from the appropriation "Research, development, test, and evaluation, Defense Agencies" as determined by the Secretary of Defense: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve, as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$5,000,000, to remain available until expended.

70A Stat. 120.
10 USC 2231-
2238.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps, as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$7,000,000, to remain available until expended.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$5,000,000, to remain available until expended.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$10,800,000, to remain available until expended.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$14,000,000, to remain available until expended.

LORAN STATIONS, DEFENSE

For construction of additional loran stations by the Coast Guard, \$5,000,000, to remain available until expended, which shall be transferred on approval of the Secretary of Defense to the appropriation, "Acquisition, construction, and improvements", Coast Guard.

FAMILY HOUSING, DEFENSE

For expenses of family housing for the Army, Navy, Marine Corps, Air Force, and Defense agencies, for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation, maintenance, and debt payment, including leasing, minor construction, principal and interest charges and insurance premiums, as authorized by law, \$631,151,000, to be obligated and expended in the Family Housing Management Account established pur-

suant to section 501(a) of Public Law 87-554, in not to exceed the following amounts:

76 Stat. 236.
42 USC 1594a-1.

For the Army:

Construction, \$35,600,000;
Operation, maintenance, \$124,710,000;
Debt payment, \$48,618,000.

For the Navy and Marine Corps:

Construction, \$64,544,000;
Operation, maintenance, \$65,331,000;
Debt payment, \$32,408,000.

For the Air Force:

Construction, \$57,589,000;
Operation, maintenance, \$108,058,000;
Debt payment, \$90,801,000.

For Defense agencies:

Construction, \$981,000;
Operation, maintenance, \$2,511,000.

Provided, That the unexpended balances of amounts heretofore provided under this head for construction, and the amounts appropriated herein for that purpose, shall remain available until expended.

SEC. 101. Funds appropriated to the military departments for construction in prior years are hereby made available for construction authorized for each such department by the authorizations enacted into law during the second session of the Eighty-eighth Congress.

SEC. 102. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 103. None of the funds appropriated in this Act shall be expended for additional costs involved in expediting construction unless the Secretary of Defense certifies such costs to be necessary to protect the national interest and establishes a reasonable completion date for each project, taking into consideration the urgency of the requirement, the type and location of the project, the climatic and seasonal conditions affecting the construction and the application of economical construction practices.

SEC. 104. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or drycleaning facility in the United States, its territories, or possessions, as to which the Secretary of Defense does not certify, in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

SEC. 105. Funds appropriated to the military departments for construction are hereby made available for hire of passenger motor vehicles.

SEC. 106. Funds appropriated to the military departments for construction may be used for advances to the Bureau of Public Roads, Department of Commerce, for the purposes of section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

72 Stat. 908;
75 Stat. 123.

SEC. 107. None of the funds appropriated in this Act may be used to begin construction of new bases for which specific appropriations have not been made.

SEC. 108. No part of the funds contained in this Act shall be used for the construction of hospitals or composite medical facilities which do not provide facilities for obstetrical services.

SEC. 109. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Bureau of Yards and Docks, except: (a) where there is a determination of value by a Federal court, (b) purchases negotiated by the Attorney General or his designee, and (c) where the estimated value is less than \$25,000.

SEC. 110. None of the funds appropriated in this Act may be used to make payments under contracts for any project in a foreign country unless the Secretary of Defense or his designee, after consultation with the Secretary of the Treasury or his designee, certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor.

Short title.

SEC. 111. This Act may be cited as the Military Construction Appropriation Act, 1965.

Approved September 2, 1964.

Public Law 88-577

AN ACT

September 3, 1964
[S. 4]

To establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Wilderness Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "Wilderness Act".

WILDERNESS SYSTEM ESTABLISHED STATEMENT OF POLICY

SEC. 2. (a) In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no Federal lands shall be designated as "wilderness areas" except as provided for in this Act or by a subsequent Act.

(b) The inclusion of an area in the National Wilderness Preservation System notwithstanding, the area shall continue to be managed by the Department and agency having jurisdiction thereover immediately before its inclusion in the National Wilderness Preservation System unless otherwise provided by Act of Congress. No appropriation shall be available for the payment of expenses or salaries for the administration of the National Wilderness Preservation System as a separate unit nor shall any appropriations be available for additional personnel

stated as being required solely for the purpose of managing or administering areas solely because they are included within the National Wilderness Preservation System.

DEFINITION OF WILDERNESS

(c) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

NATIONAL WILDERNESS PRESERVATION SYSTEM—EXTENT OF SYSTEM

SEC. 3. (a) All areas within the national forests classified at least 30 days before the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness", "wild", or "canoe" are hereby designated as wilderness areas. The Secretary of Agriculture shall—

(1) Within one year after the effective date of this Act, file a map and legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made.

(2) Maintain, available to the public, records pertaining to said wilderness areas, including maps and legal descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. Maps, legal descriptions, and regulations pertaining to wilderness areas within their respective jurisdictions also shall be available to the public in the offices of regional foresters, national forest supervisors, and forest rangers.

(b) The Secretary of Agriculture shall, within ten years after the enactment of this Act, review, as to its suitability or unsuitability for preservation as wilderness, each area in the national forests classified on the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "primitive" and report his findings to the President. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as "wilderness" or other reclassification of each area on which review has been completed, together with maps and a definition of boundaries. Such advice shall be given with respect to not less than one-third of all the areas now classified as "primitive" within three years after the enactment of this Act, not less than two-thirds within seven years after the enactment of this Act, and the remaining areas within ten years after the enactment of this Act. Each recommendation of the President for designation as "wilderness" shall become

Classification.

Presidential
recommendation
to Congress.

Congressional
approval.

effective only if so provided by an Act of Congress. Areas classified as "primitive" on the effective date of this Act shall continue to be administered under the rules and regulations affecting such areas on the effective date of this Act until Congress has determined otherwise. Any such area may be increased in size by the President at the time he submits his recommendations to the Congress by not more than five thousand acres with no more than one thousand two hundred and eighty acres of such increase in any one compact unit; if it is proposed to increase the size of any such area by more than five thousand acres or by more than one thousand two hundred and eighty acres in any one compact unit the increase in size shall not become effective until acted upon by Congress. Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of primitive areas or recommending the addition of any contiguous area of national forest lands predominantly of wilderness value. Notwithstanding any other provisions of this Act, the Secretary of Agriculture may complete his review and delete such area as may be necessary, but not to exceed seven thousand acres, from the southern tip of the Gore Range-Eagles Nest Primitive Area, Colorado, if the Secretary determines that such action is in the public interest.

Report to
President.

Presidential
recommendation
to Congress.

Congressional
approval.

Suitability.

Publication in
Federal Register.

Hearings.

Publication in
Federal Register.

(c) Within ten years after the effective date of this Act the Secretary of the Interior shall review every roadless area of five thousand contiguous acres or more in the national parks, monuments and other units of the national park system and every such area of, and every roadless island within, the national wildlife refuges and game ranges, under his jurisdiction on the effective date of this Act and shall report to the President his recommendation as to the suitability or unsuitability of each such area or island for preservation as wilderness. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendation with respect to the designation as wilderness of each such area or island on which review has been completed, together with a map thereof and a definition of its boundaries. Such advice shall be given with respect to not less than one-third of the areas and islands to be reviewed under this subsection within three years after enactment of this Act, not less than two-thirds within seven years of enactment of this Act, and the remainder within ten years of enactment of this Act. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress. Nothing contained herein shall, by implication or otherwise, be construed to lessen the present statutory authority of the Secretary of the Interior with respect to the maintenance of roadless areas within units of the national park system.

(d)(1) The Secretary of Agriculture and the Secretary of the Interior shall, prior to submitting any recommendations to the President with respect to the suitability of any area for preservation as wilderness—

(A) give such public notice of the proposed action as they deem appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land;

(B) hold a public hearing or hearings at a location or locations convenient to the area affected. The hearings shall be announced through such means as the respective Secretaries involved deem appropriate, including notices in the Federal Register and in newspapers of general circulation in the area: *Provided*, That if the lands involved are located in more than one State, at least one hearing shall be held in each State in which a portion of the land lies;

(C) at least thirty days before the date of a hearing advise the Governor of each State and the governing board of each county, or in Alaska the borough, in which the lands are located, and Federal departments and agencies concerned, and invite such officials and Federal agencies to submit their views on the proposed action at the hearing or by no later than thirty days following the date of the hearing.

(2) Any views submitted to the appropriate Secretary under the provisions of (1) of this subsection with respect to any area shall be included with any recommendations to the President and to Congress with respect to such area.

(e) Any modification or adjustment of boundaries of any wilderness area shall be recommended by the appropriate Secretary after public notice of such proposal and public hearing or hearings as provided in subsection (d) of this section. The proposed modification or adjustment shall then be recommended with map and description thereof to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recommendations shall become effective only in the same manner as provided for in subsections (b) and (c) of this section.

Proposed modification.

USE OF WILDERNESS AREAS

SEC. 4. (a) The purposes of this Act are hereby declared to be within and supplemental to the purposes for which national forests and units of the national park and national wildlife refuge systems are established and administered and—

(1) Nothing in this Act shall be deemed to be in interference with the purpose for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11), and the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215).

16 USC 475.
16 USC 528-531.

(2) Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act (Public Law 539, Seventy-first Congress, July 10, 1930; 46 Stat. 1020), the Thyre-Blatnik Act (Public Law 733, Eightieth Congress, June 22, 1948; 62 Stat. 568), and the Humphrey-Thyre-Blatnik-Andresen Act (Public Law 607, Eighty-fourth Congress, June 22, 1956; 70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

16 USC 577-577b.
16 USC 577c-577h.
16 USC 577d-1, 577g-1, 577h.

(3) Nothing in this Act shall modify the statutory authority under which units of the national park system are created. Further, the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with the Act of August 25, 1916, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area, including, but not limited to, the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 et seq.); section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

39 Stat. 535.
16 USC 1 et seq.

41 Stat. 1063.

(b) Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as other-

wise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

PROHIBITION OF CERTAIN USES

(c) Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

SPECIAL PROVISIONS

(d) The following special provisions are hereby made:

(1) Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

(2) Nothing in this Act shall prevent within national forest wilderness areas any activity, including prospecting, for the purpose of gathering information about mineral or other resources, if such activity is carried on in a manner compatible with the preservation of the wilderness environment. Furthermore, in accordance with such program as the Secretary of the Interior shall develop and conduct in consultation with the Secretary of Agriculture, such areas shall be surveyed on a planned, recurring basis consistent with the concept of wilderness preservation by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.

Mineral leases,
claims, etc.

(3) Notwithstanding any other provisions of this Act, until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the same extent as applicable prior to the effective date of this Act, extend to those national forest lands designated by this Act as "wilderness areas"; subject, however, to such reasonable regulations governing ingress and egress as may be prescribed by the Secretary of Agriculture consistent with the use of the land for mineral location and development and exploration, drilling, and production, and use of land for transmission lines, waterlines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including where essential the use of mechanized ground or air equipment and restoration as near as practicable of the surface of the land disturbed in performing prospecting, location, and, in oil and gas leasing, discovery work, exploration, drilling, and production, as soon as they have served their purpose. Mining locations lying within the boundaries of said wilderness areas shall be held and used solely for mining or processing operations and uses reasonably incident thereto; and hereafter, subject to valid existing rights, all patents issued under the mining laws of the United States affecting national forest lands designated by this Act as wilderness areas shall convey title to the mineral deposits

within the claim, together with the right to cut and use so much of the mature timber therefrom as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available, and if the timber is cut under sound principles of forest management as defined by the national forest rules and regulations, but each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except as otherwise expressly provided in this Act: *Provided*, That, unless hereafter specifically authorized, no patent within wilderness areas designated by this Act shall issue after December 31, 1983, except for the valid claims existing on or before December 31, 1983. Mining claims located after the effective date of this Act within the boundaries of wilderness areas designated by this Act shall create no rights in excess of those rights which may be patented under the provisions of this subsection. Mineral leases, permits, and licenses covering lands within national forest wilderness areas designated by this Act shall contain such reasonable stipulations as may be prescribed by the Secretary of Agriculture for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased, permitted, or licensed. Subject to valid rights then existing, effective January 1, 1984, the minerals in lands designated by this Act as wilderness areas are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(4) Within wilderness areas in the national forests designated by this Act, (1) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and (2) the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

Water resources.

(5) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, shall be in accordance with regulations established by the Secretary of Agriculture in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: *Provided*, That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats.

(6) Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

(7) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(8) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

STATE AND PRIVATE LANDS WITHIN WILDERNESS AREAS

Transfers, restriction.

SEC. 5. (a) In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this Act as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture: *Provided, however,* That the United States shall not transfer to a State or private owner any mineral interests unless the State or private owner relinquishes or causes to be relinquished to the United States the mineral interest in the surrounded land.

Acquisition.

(b) In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

(c) Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this Act as wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress.

GIFTS, BEQUESTS, AND CONTRIBUTIONS

SEC. 6. (a) The Secretary of Agriculture may accept gifts or bequests of land within wilderness areas designated by this Act for preservation as wilderness. The Secretary of Agriculture may also accept gifts or bequests of land adjacent to wilderness areas designated by this Act for preservation as wilderness if he has given sixty days advance notice thereof to the President of the Senate and the Speaker of the House of Representatives. Land accepted by the Secretary of Agriculture under this section shall become part of the wilderness area involved. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this Act, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

(b) The Secretary of Agriculture or the Secretary of the Interior is authorized to accept private contributions and gifts to be used to further the purposes of this Act.

ANNUAL REPORTS

SEC. 7. At the opening of each session of Congress, the Secretaries of Agriculture and Interior shall jointly report to the President for transmission to Congress on the status of the wilderness system, including a list and descriptions of the areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make.

Approved September 3, 1964.

Public Law 88-578

AN ACT

To establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes.

September 3, 1964
[H. R. 3846]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Land and Water
Conservation Fund
Act of 1965.

TITLE I—LAND AND WATER CONSERVATION PROVISIONS

SHORT TITLE AND STATEMENT OF PURPOSES

SECTION 1. (a) CITATION; EFFECTIVE DATE.—This Act may be cited as the “Land and Water Conservation Fund Act of 1965” and shall become effective on January 1, 1965.

(b) PURPOSES.—The purposes of this Act are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas.

CERTAIN REVENUES PLACED IN SEPARATE FUND

SEC. 2. SEPARATE FUND.—During the period ending June 30, 1989, and during such additional period as may be required to repay any advances made pursuant to section 4(b) of this Act, there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the “fund”, the following revenues and collections:

(a) ENTRANCE AND USER FEES; ESTABLISHMENT; REGULATIONS.—All proceeds from entrance, admission, and other recreation user fees or charges collected or received by the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, the Tennessee Valley Authority, and the United States section of the International Boundary and Water Commission (United States and Mexico), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury: *Provided*, That nothing in this Act shall affect any rights or authority of the States with respect to fish and wildlife, nor shall this Act repeal any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law; but the proceeds from fees or charges established by the President pursuant to this subsection for entrance or admission generally to Federal areas shall be used solely for the purposes of this Act.

The President is authorized, to the extent and within the limits hereinafter set forth, to designate or provide for the designation of land or water areas administered by or under the authority of the

Federal agencies listed in the preceding paragraph at which entrance, admission, and other forms of recreation user fees shall be charged and to establish and revise or provide for the establishment and revision of such fees as follows:

Fees.

(i) An annual fee of not more than \$7 payable by a person entering an area so designated by private noncommercial automobile which, if paid, shall excuse the person paying the same and anyone who accompanies him in such automobile from payment of any other fee for admission to that area and other areas administered by or under the authority of such agencies, except areas which are designated by the President as not being within the coverage of the fee, during the year for which the fee has been paid.

(ii) Fees for a single visit or a series of visits during a specified period of less than a year to an area so designated payable by persons who choose not to pay an annual fee under clause (i) of this paragraph or who enter such an area by means other than private noncommercial automobile.

(iii) Fees payable for admission to areas not within the coverage of a fee paid under clause (i) of this paragraph.

(iv) Fees for the use within an area of sites, facilities, equipment, or services provided by the United States.

Entrance and admission fees may be charged at areas administered primarily for scenic, scientific, historical, cultural, or recreational purposes. No entrance or admission fee shall be charged except at such areas or portions thereof administered by a Federal agency where recreation facilities or services are provided at Federal expense. No fee of any kind shall be charged by a Federal agency under any provision of this Act for use of any waters. All fees established pursuant to this subsection shall be fair and equitable, taking into consideration direct and indirect cost to the Government, benefits to the recipient, public policy or interest served, and other pertinent factors. Nothing contained in this paragraph shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation. No such fee shall be charged for travel by private noncommercial vehicle over any national parkway or any road or highway established as a part of the national Federal-aid system, as defined in section 101, title 23, United States Code, or any road within the National Forest system or a public land area, which, though it is part of a larger area, is commonly used by the public as a means of travel between two places either or both of which are outside the area. No such fee shall be charged any person for travel by private noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area.

72 Stat. 885.

No fees established under clause (ii) or clause (iii) of the second paragraph of this subsection shall become effective with respect to any area which embraces lands more than half of which have heretofore been acquired by contribution from the government of the State in which the area is located until sixty days after the officer of the United States who is charged with responsibility for establishing such fees has advised the Governor of the affected State, or an agency of the State designated by the Governor for this purpose, of his intention so to do, and said officer shall, before finally establishing such fees, give consideration to any recommendation that the Governor or his designee may make with respect thereto within said sixty days and to all obligations, legal or otherwise, that the United States may owe to the State concerned and to its citizens with respect to the area in question. In the Smoky Mountains National Park, unless fees are

charged for entrance into said park on main highways and thoroughfares, fees shall not be charged for entrance on other routes into said park or any part thereof.

There is hereby repealed the third paragraph from the end of the division entitled "National Park Service" of section 1 of the Act of March 7, 1928 (45 Stat. 238) and the second paragraph from the end of the division entitled "National Park Service" of section 1 of the Act of March 4, 1929 (45 Stat. 1602; 16 U.S.C. 14). Section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 24, 1944 (16 U.S.C. 460d), as amended by the Flood Control Act of 1962 (76 Stat. 1195) is further amended by deleting "without charge," in the third sentence from the end thereof. All other provisions of law that prohibit the collection of entrance, admission, or other recreation user fees or charges authorized by this Act or that restrict the expenditure of funds if such fees or charges are collected are hereby also repealed: *Provided*, That no provision of any law or treaty which extends to any person or class of persons a right of free access to the shoreline of any reservoir or other body of water, or to hunting and fishing along or on such shoreline, shall be affected by this repealer.

Repeals.

The heads of departments and agencies are authorized to prescribe rules and regulations for the collection of any entrance, admission, and other recreation user fees or charges established pursuant to this subsection for areas under their administration: *Provided further*, That no free passes shall be issued to any Member of Congress or other government official. Clear notice that a fee or charge has been established shall be posted at each area to which it is applicable. Any violation of any rules or regulations promulgated under this title at an area so posted shall be punishable by a fine of not more than \$100. Any person charged with the violation of such rules and regulations may be tried and sentenced by any United States commissioner specially designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in title 18, United States Code, section 3401, subsections (b), (c), (d), and (e), as amended.

Collection of fees.

Penalty.

62 Stat. 830.

(b) **SURPLUS PROPERTY SALES.**—All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of those provisions of law set forth in section 485(b)–(e), title 40, United States Code, or the Independent Offices Appropriation Act, 1963 (76 Stat. 725) or in any later appropriation Act) hereafter received from any disposal of surplus real property and related personal property under the Federal Property and Administrative Services Act of 1949, as amended, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this Act shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

63 Stat. 388;
68 Stat. 1051.

40 USC 471 note.

(c) **MOTORBOAT FUELS TAX.**—The amounts provided for in section 201 of this Act.

SEC. 3. APPROPRIATIONS.—Moneys covered into the fund shall be available for expenditure for the purposes of this Act only when appropriated therefor. Such appropriations may be made without fiscal-year limitation. Moneys covered into this fund not subsequently authorized by the Congress for expenditures within two fiscal years following the fiscal year in which such moneys had been credited to the fund, shall be transferred to miscellaneous receipts of the Treasury.

ALLOCATION OF LAND AND WATER CONSERVATION FUND FOR STATE AND
FEDERAL PURPOSES: AUTHORIZATION FOR ADVANCE APPROPRIATIONS

SEC. 4. (a) ALLOCATION.—There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund. In the absence of a provision to the contrary in the Act making an appropriation from the fund, (i) the appropriation therein made shall be available in the ratio of 60 per centum for State purposes and 40 per centum for Federal purposes, but (ii) the President may, during the first five years in which appropriations are made from the fund, vary said percentages by not more than 15 points either way to meet, as nearly as may be, the current relative needs of the States and the Federal Government.

(b) ADVANCE APPROPRIATIONS; REPAYMENT.—Beginning with the third full fiscal year in which the fund is in operation, and for a total of eight years, advance appropriations are hereby authorized to be made to the fund from any moneys in the Treasury not otherwise appropriated in such amounts as to average not more than \$60,000,000 for each fiscal year. Such advance appropriations shall be available for Federal and State purposes in the same manner and proportions as other moneys appropriated from the fund. Such advance appropriations shall be repaid without interest, beginning at the end of the next fiscal year after the first ten full fiscal years in which the fund has been in operation, by transferring, annually until fully repaid, to the general fund of the Treasury 50 per centum of the revenues received by the land and water conservation fund each year under section 2 of this Act prior to July 1, 1989, and 100 per centum of any revenues thereafter received by the fund. Revenues received from the sources specified in section 2 of this Act after July 1, 1989, or after payment has been completed as provided by this subsection, whichever occurs later, shall be credited to miscellaneous receipts of the Treasury. The moneys in the fund that are not required for repayment purposes may continue to be appropriated and allocated in accordance with the procedures prescribed by this Act.

FINANCIAL ASSISTANCE TO STATES

SEC. 5. GENERAL AUTHORITY; PURPOSES.—(a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide financial assistance to the States from moneys available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this Act, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interests in land or waters, or (3) development.

(b) APPORTIONMENT AMONG STATES; NOTIFICATION.—Sums appropriated and available for State purposes for each fiscal year shall be apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

(1) two-fifths shall be apportioned equally among the several States; and

(2) three-fifths shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States and of the use of outdoor recreation resources of individual States by persons from outside

the State as well as a consideration of the Federal resources and programs in the particular States.

The total allocation to an individual State under paragraphs (1) and (2) of this subsection shall not exceed 7 per centum of the total amount allocated to the several States in any one year.

The Secretary shall notify each State of its apportionments; and the amounts thereof shall be available thereafter for payment to such State for planning, acquisition, or development projects as hereafter prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) of this subsection.

The District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa shall be treated as States for the purposes of this title, except for the purpose of paragraph (1) of this subsection. Their population also shall be included as a part of the total population in computing the apportionment under paragraph (2) of this subsection.

(c) **MATCHING REQUIREMENTS.**—Payments to any State shall cover not more than 50 per centum of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. No payment may be made to any State for or on account of any cost or obligation incurred or any service rendered prior to the date of approval of this Act.

(d) **COMPREHENSIVE STATE PLAN REQUIRED; PLANNING PROJECTS.**—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this Act. The plan shall contain—

(1) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this Act;

(2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

(3) a program for the implementation of the plan; and

(4) other necessary information, as may be determined by the Secretary.

The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Housing and Home Finance Agency, any statewide outdoor recreation plan prepared for purposes of this Act shall be based upon the same population, growth, and other pertinent factors as are used in formulating the Housing and Home Finance Agency financed plans.

The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when such plan is not otherwise available or for the maintenance of such plan.

(e) **PROJECTS FOR LAND AND WATER ACQUISITION; DEVELOPMENT.**—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of

projects or combinations thereof if they are in accordance with the State comprehensive plan:

(1) **ACQUISITION OF LAND AND WATERS.**—For the acquisition of land, waters, or interests in land or waters (other than land, waters, or interests in land or waters acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

(2) **DEVELOPMENT.**—For development, including but not limited to site planning and the development of Federal lands under lease to States for terms of twenty-five years or more.

(f) **REQUIREMENTS FOR PROJECT APPROVAL; CONDITION.**—Payments may be made to States by the Secretary only for those planning, acquisition, or development projects that are approved by him. No payment may be made by the Secretary for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any project with respect to which such assistance has been given or promised under this Act. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of individual projects: *Provided*, That the approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of the particular project, and to operate and maintain by acceptable standards, at State expense, the particular properties or facilities acquired or developed for public outdoor recreation use.

Payments for all projects shall be made by the Secretary to the Governor of the State or to a State official or agency designated by the Governor or by State law having authority and responsibility to accept and to administer funds paid hereunder for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

No payment shall be made to any State until the State has agreed to (1) provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this Act, and (2) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State under this Act.

Each recipient of assistance under this Act shall keep such records as the Secretary of the Interior shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

The Secretary of the Interior, and the Comptroller General of the United States, or any of their duly authorized representatives, shall

have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

(g) **COORDINATION WITH FEDERAL AGENCIES.**—In order to assure consistency in policies and actions under this Act, with other related Federal programs and activities (including those conducted pursuant to title VII of the Housing Act of 1961 and section 701 of the Housing Act of 1954) and to assure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations.

75 Stat. 183.
42 USC 1500-
1500e.
73 Stat. 678;
Ante, pp. 792, 793.
40 USC 461.

ALLOCATION OF MONEYS FOR FEDERAL PURPOSES

SEC. 6. (a) Moneys appropriated from the fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President to the following purposes and subpurposes in substantially the same proportion as the number of visitor-days in areas and projects hereinafter described for which admission fees are charged under section 2 of this Act:

(1) For the acquisition of land, waters, or interests in land or waters as follows:

NATIONAL PARK SYSTEM; RECREATION AREAS.—Within the exterior boundaries of areas of the national park system now or hereafter authorized or established and of areas now or hereafter authorized to be administered by the Secretary of the Interior for outdoor recreation purposes.

NATIONAL FOREST SYSTEM.—Inholdings within (a) wilderness areas of the National Forest System, and (b) other areas of national forests as the boundaries of those forests exist on the effective date of this Act which other areas are primarily of value for outdoor recreation purposes: *Provided*, That lands outside of but adjacent to an existing national forest boundary, not to exceed five hundred acres in the case of any one forest, which would comprise an integral part of a forest recreational management area may also be acquired with moneys appropriated from this fund: *Provided further*, That not more than 15 per centum of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

THREATENED SPECIES.—For any national area which may be authorized for the preservation of species of fish or wildlife that are threatened with extinction.

RECREATION AT REFUGES.—For the incidental recreation purposes of section 2 of the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460 k-1); and

(2) For payment into miscellaneous receipts of the Treasury as a partial offset for those capital costs, if any, of Federal water development projects hereafter authorized to be constructed by or pursuant to an Act of Congress which are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

(b) **ACQUISITION RESTRICTION.**—Appropriations from the fund pursuant to this section shall not be used for acquisition unless such acquisition is otherwise authorized by law.

FUNDS NOT TO BE USED FOR PUBLICITY

SEC. 7. Moneys derived from the sources listed in section 2 of this Act shall not be available for publicity purposes.

TITLE II—MOTORBOAT FUEL TAX PROVISIONS

TRANSFERS TO AND FROM LAND AND WATER CONSERVATION FUND

SEC. 201. (a) There shall be set aside in the land and water conservation fund in the Treasury of the United States provided for in title I of this Act the amounts specified in section 209(f)(5) of the Highway Revenue Act of 1956 (relating to special motor fuels and gasoline used in motorboats).

(b) There shall be paid from time to time from the land and water conservation fund into the general fund of the Treasury amounts estimated by the Secretary of the Treasury as equivalent to—

70 Stat. 394.
26 USC 6421.

(1) the amounts paid before July 1, 1973, under section 6421 of the Internal Revenue Code of 1954 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes or by local transit systems) with respect to gasoline used after December 31, 1964, in motorboats, on the basis of claims filed for periods ending before October 1, 1972; and

70 Stat. 393.
26 USC 6412.

(2) 80 percent of the floor stocks refunds made before July 1, 1973, under section 6412(a)(2) of such Code with respect to gasoline to be used in motorboats.

AMENDMENTS TO HIGHWAY REVENUE ACT OF 1956

70 Stat. 397.
23 USC 120 note.

SEC. 202. (a) Section 209(f) of the Highway Revenue Act of 1956 (relating to expenditures from highway trust fund) is amended by adding at the end thereof the following new paragraph:

“(5) TRANSFERS FROM THE TRUST FUND FOR SPECIAL MOTOR FUELS AND GASOLINE USED IN MOTORBOATS.—The Secretary of the Treasury shall pay from time to time from the trust fund into the land and water conservation fund provided for in title I of the Land and Water Conservation Fund Act of 1965 amounts as determined by him in consultation with the Secretary of Commerce equivalent to the taxes received, on or after January 1, 1965, under section 4041(b) of the Internal Revenue Code of 1954 with respect to special motor fuels used as fuel for the propulsion of motorboats and under section 4081 of such Code with respect to gasoline used as fuel in motorboats.”

68A Stat. 478;
70 Stat. 387.
26 USC 4041.
70 Stat. 389.
26 USC 4081.

(b) Section 209(f) of such Act is further amended—

(1) by adding at the end of paragraph (3) the following new sentence: “This paragraph shall not apply to amounts estimated by the Secretary of the Treasury as paid under section 6421 of such Code with respect to gasoline used after December 31, 1964, in motorboats.”; and

(2) by inserting after “such Code” in paragraph (4)(C) the following: “(other than gasoline to be used in motorboats, as estimated by the Secretary of the Treasury)”.

Approved September 3, 1964.

Public Law 88-579

AN ACT

To provide for the establishment of a National Council on the Arts to assist in the growth and development of the arts in the United States.

September 3, 1964
[H. R. 9586]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Arts
and Cultural De-
velopment Act of
1964.

SHORT TITLE

SECTION 1. This Act may be cited as the “National Arts and Cultural Development Act of 1964”.

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

(1) that the growth and flourishing of the arts depend upon freedom, imagination, and individual initiative;

(2) that the encouragement and support of the arts, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the Federal Government;

(3) that the Nation's prestige and general welfare will be promoted by providing recognition that the arts and the creative spirit which motivates them and which they personify are a valued and essential part of the Nation's resources;

(4) that it is in the best interests of the United States to maintain, develop, and disseminate the Nation's artistic and cultural resources; and

(5) that, in order to implement these findings, it is desirable to establish a National Council on the Arts to provide such recognition and assistance as will encourage and promote the Nation's artistic and cultural progress.

ASSURANCE AGAINST FEDERAL INTERFERENCE IN THE ARTS

SEC. 3. In the administration of this Act no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control, over the policy or program determination of any group, State, or State agency involved in the arts.

ESTABLISHMENT OF THE COUNCIL

SEC. 4. There is hereby established in the Executive Office of the President a National Council on the Arts (hereinafter referred to as the “Council”).

National Council
on the Arts.

MEMBERSHIP OF THE COUNCIL

SEC. 5. (a) The Council shall be composed of the Chairman provided for in section 6 of this Act, the Secretary of the Smithsonian Institution, ex officio, and twenty-four members appointed by the President. Such members shall be selected (1) from among private citizens of the United States who are widely recognized for their broad knowledge of or experience in, or for their profound interest in the arts; (2) so as to include practicing artists, civic cultural leaders, members of the museum profession, and others who are professionally engaged in the arts; and (3) so as collectively to provide an appropriate distribution of membership among the major art fields. The President is requested in the making of such appointments to give consideration to such recommendations as may from time to

time be submitted to him by leading national organizations in these fields.

Term of office.

(b) Each member of the Council shall hold office for a term of six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of the members first taking office shall expire, as designated by the President at the time of appointment, eight at the end of the second year, eight at the end of the fourth year, and eight at the end of the sixth year after the date of enactment of this Act. No member of the Council shall be eligible for reappointment during the two-year period following the expiration of his term.

Vacancy.

(c) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

CHAIRMAN OF THE COUNCIL

SEC. 6. (a) The President shall appoint, by and with the advice and consent of the Senate, a Chairman of the Council (hereinafter referred to as the "Chairman") from among private citizens of the United States who are widely recognized for their knowledge of or experience in, or for their profound interest in, the arts. In addition, he shall advise the President with respect to the activities of the Federal Government in the arts. If a vacancy occurs in the office of the Chairman the President shall fill the vacancy in the same manner in which the original appointment was made.

(b) The Chairman shall serve at the pleasure of the President, but not in excess of eight consecutive years, and shall not be eligible for reappointment during the four-year period following the expiration of his last period of service as Chairman. The provisions of this subsection shall apply to any person appointed to fill a vacancy in the office of the Chairman.

(c) The Chairman shall receive compensation at the rate of \$21,000 per annum, and shall be reimbursed for travel and subsistence expenses incurred by him while away from his home or regular place of business in accordance with the Travel Expense Act of 1949, as amended (5 U.S.C. 836-842), and the Standardized Government Travel Regulations.

63 Stat. 166;
75 Stat. 339, 340.

DUTIES AND RESPONSIBILITIES OF THE COUNCIL

Quorum.

SEC. 7. (a) The Council shall meet at the call of the Chairman but not less often than twice during each calendar year. Thirteen members of the Council shall constitute a quorum.

(b) The Council shall (1) recommend ways to maintain and increase the cultural resources of the United States, (2) propose methods to encourage private initiative in the arts, (3) advise and consult with local, State, and Federal departments and agencies, on methods by which to coordinate existing resources and facilities, and to foster artistic and cultural endeavors and the use of the arts, both nationally and internationally, in the best interests of our country, and (4) conduct studies and make recommendations with a view to formulating methods or ways by which creative activity and high standards and increased opportunities in the arts may be encouraged and promoted in the best interests of the Nation's artistic and cultural progress, and a greater appreciation and enjoyment of the arts by our citizens can be encouraged and developed.

(c) In selecting subjects to be studied pursuant to subsection (b) of this section, the Council (1) shall consider requests submitted to it by the heads of departments and agencies of the Federal Government,

and (2) may obtain the advice of any interested and qualified persons and organizations. In making its studies pursuant to such subsection, the Council may obtain assistance from such committees and panels as may be appointed by the Chairman from among those persons professionally qualified in the fields of art with which such studies are concerned, who are recommended to him by the Council.

(d) Not later than ninety days after the end of each fiscal year, the Council shall submit to the President and the Congress an annual report setting forth its activities pursuant to subsection (b) of this section. In addition, the Council shall submit to the President reports and recommendations with respect to its activities at such time or times as the President shall request or the Council deems appropriate. The President shall transmit such recommendations as he may deem fit, together with his comments thereon, to the Congress.

Reports to
President and
Congress.

COMPENSATION OF MEMBERS OF THE COUNCIL

SEC. 8. Members of the Council, and persons appointed to assist the Council in making its studies, while attending meetings of the Council, or while engaged in duties related to such meetings, or while engaged in the conduct of studies authorized by this title, shall receive compensation at a rate to be fixed by the Chairman, but not exceeding \$75 per diem and shall be paid travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

60 Stat. 808;
75 Stat. 339, 340.

STAFF OF THE COUNCIL

SEC. 9. (a) The Chairman is authorized to appoint, subject to the civil service laws, such secretarial, clerical, and other staff assistance as is necessary to enable the Chairman and the Council, and its special committees, to carry out their functions and duties, and to fix the compensation of persons so appointed in accordance with the Classification Act of 1949.

(b) The Chairman is authorized to procure in accordance with such policies as the Council shall from time to time prescribe, without regard to the civil service laws and the classification laws, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not in excess of \$75 a day.

63 Stat. 954;
Ante, p. 400.
5 USC 1071
note.

60 Stat. 810.

EXPENSES OF THE COUNCIL

SEC. 10. There are hereby authorized to be appropriated to the Council such sums as may be necessary, not to exceed \$150,000, to carry out the purposes of this Act.

Appropriation.

GENERAL PROVISIONS

SEC. 11. (a) This Act shall not be deemed to invalidate any provision in any act of Congress or Executive order vesting authority in the Commission of Fine Arts or any other statutory Federal advisory body.

(b) Nothing contained in this Act shall be construed to authorize the Council to undertake any duty or responsibility which is the duty or responsibility of any other Federal advisory body established by law as of the date of enactment of this Act.

Approved September 3, 1964.

Public Law 88-580

AN ACT

September 3, 1964
[S. 2950]

To authorize the mint to inscribe the figure 1964 on all coins minted until adequate supplies of coins are available.

Date inscription
on coins.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 3517 of the Revised Statutes (31 U.S.C. 324), all coins minted from the date of enactment of this Act until July 1 or January 1, whichever date first occurs after the date on which the Secretary of the Treasury determines that adequate supplies of coins are available, shall be inscribed with the figure "1964" in lieu of the year of the coinage.

SEC. 2. The requirement of section 3550 of the Revised Statutes (31 U.S.C. 366) that the obverse working dies at each mint shall be destroyed at the end of each calendar year shall not be applicable during the period provided for in section 1 of this Act.

Approved September 3, 1964.

Public Law 88-581

AN ACT

September 4, 1964
[H. R. 11241]

To amend the Public Health Service Act to increase the opportunities for training professional nursing personnel, and for other purposes.

Nurse Training
Act of 1964.

58 Stat. 682.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nurse Training Act of 1964".

SEC. 2. The Public Health Service Act (42 U.S.C., ch. 6A) is amended by adding at the end thereof the following new title:

"TITLE VIII—NURSE TRAINING

"PART A—GRANTS FOR EXPANSION AND IMPROVEMENT OF NURSE TRAINING

"AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION GRANTS

"SEC. 801. (a) There are authorized to be appropriated—

"(1) for grants to assist in the construction of new facilities for collegiate schools of nursing, or replacement or rehabilitation of existing facilities for such schools, \$5,000,000 for the fiscal year ending June 30, 1966, and \$10,000,000 for each of the next three fiscal years;

"(2) for grants to assist in the construction of new facilities for associate degree or diploma schools of nursing, or replace-

ment or rehabilitation of existing facilities for such schools, \$10,000,000 for the fiscal year ending June 30, 1966, and \$15,000,000 for each of the next three fiscal years.

There are also authorized to be appropriated for each of such fiscal years ending after June 30, 1966, for grants specified in clause (1) or (2) of the preceding sentence, the amount by which the total of the sums authorized to be appropriated under such clause for previous years exceeds the aggregate of the appropriations thereunder for such years.

“(b) Sums appropriated pursuant to clause (1) or (2) of subsection (a) for a fiscal year shall remain available for grants specified in such clause until the close of the next fiscal year.

“APPROVAL OF APPLICATIONS FOR CONSTRUCTION GRANTS

“SEC. 802. (a) No application for a grant for a construction project under this part may be approved unless it is submitted to the Surgeon General prior to July 1, 1968.

“(b) A grant for a construction project under this part may be made only if the application therefor is approved by the Surgeon General upon his determination that—

“(1) the applicant is a public or nonprofit private school of nursing providing an accredited program of nursing education;

“(2) the application contains or is supported by reasonable assurances that (A) for not less than twenty years after completion of construction, the facility will be used for the purposes of the training for which it is to be constructed, and will not be used for sectarian instruction or as a place for religious worship, (B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, (C) sufficient funds will be available, when construction is completed, for effective use of the facility for the training for which it is being constructed, and (D) in the case of an application for a grant for construction to expand the training capacity of a school of nursing, the first-year enrollment at such school during the first full school year after the completion of the construction and for each of the nine years thereafter will exceed the highest first-year enrollment at such school for any of the five full school years preceding the year in which the application is made by at least 5 per centum of such highest first-year enrollment, or by five students, whichever is greater;

“(3) (A) in the case of an application for a grant for construction of a new facility, such application is for aid in the construction of a new school of nursing, or construction which will expand the training capacity of an existing school of nursing, or (B) in the case of an application for a grant for replacement or rehabilitation of existing facilities, such application is for aid in construction which will replace or rehabilitate facilities

of an existing school of nursing which are so obsolete as to require the school to curtail substantially either its enrollment or the quality of the training provided;

“(4) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment; and

“(5) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

49 Stat. 1011;
Ante, p. 238.

5 USC 133z-15
note.
63 Stat. 108.

Before approving or disapproving an application for a construction project under this part, the Surgeon General shall secure the advice of the National Advisory Council on Nurse Training established by section 841 (hereinafter in this part referred to as the ‘council’).

“(c) In considering applications for grants, the Council and the Surgeon General shall take into account—

“(1) (A) in the case of a project for a new school or for expansion of the facilities of an existing school, the relative effectiveness of the proposed facilities in expanding the capacity for the training of first-year students of nursing in the field involved and in promoting an equitable geographical distribution of opportunities for such training (giving due consideration to population, relative unavailability of nurses of the kind to be trained by such school, and available resources in various areas of the Nation for training such nurses); or

“(B) in the case of a project for replacement or rehabilitation of existing facilities of a school, the relative need for such replacement or rehabilitation to prevent curtailment of the school’s enrollment or deterioration of the quality of the training provided by the school, and the relative size of any such curtailment and its effect on the geographical distribution of opportunities for training in the field of nursing involved (giving consideration to the factors mentioned above in paragraph (A)); and

“(2) in the case of an applicant in a State which has in existence a State or local area agency involved with planning for nurse training facilities, or which participates in a regional or other interstate agency involved with planning for nurse training facilities, the relationship of the application to the construction or training program which is being developed by such agency or agencies and, if such agency or agencies have reviewed such application, any comment thereon submitted by them.

“AMOUNT OF CONSTRUCTION GRANT; PAYMENTS

“SEC. 803. (a) The amount of any grant for a construction project under this part shall be such amount as the Surgeon General determines to be appropriate after obtaining the advice of the Council; except that (A) in the case of a grant for a project for a new school, and in the case of a grant for a project for new facilities for an existing school in cases where such facilities are of particular importance in providing a major expansion of training capacity, as determined in accordance with regulations, such amount may not exceed 66 $\frac{2}{3}$ per centum of the necessary cost of construction, as determined by the Surgeon General, of such project; and (B) in the case of any other grant, such amount may not exceed 50 per centum of the necessary cost of construction, as so determined, of the project with respect to which the grant is made.

“(b) Upon approval of any application for a grant for a construction project under this part, the Surgeon General shall reserve, from any appropriation available therefor, the amount of such grant as determined under subsection (a); the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Surgeon General may determine. The Surgeon General's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility.

“(c) In determining the amount of any such grant under this part, there shall be excluded from the cost of construction an amount equal to the sum of (1) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to the construction which is to be financed in part by grants authorized under this part, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

“RECAPTURE OF PAYMENTS

“SEC. 804. If, within twenty years after completion of any construction for which funds have been paid under this part—

“(a) the applicant or other owner of the facility shall cease to be a public or nonprofit private school, or

“(b) the facility shall cease to be used for the training purposes for which it was constructed (unless the Surgeon General determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so), or

“(c) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

"IMPROVEMENT IN NURSE TRAINING

Appropriation.

"SEC. 805. (a) There are authorized to be appropriated for grants to public and nonprofit private diploma, collegiate and associate degree schools of nursing to assist them in meeting the additional costs of projects of limited duration which will strengthen, improve, or expand their programs to teach and train nurses, \$2,000,000 for the fiscal year ending June 30, 1965, \$3,000,000 for the fiscal year ending June 30, 1966, \$4,000,000 for the fiscal year ending June 30, 1967, and each of the next two fiscal years, and such sums for each of the next four fiscal years as may be necessary to complete projects for which a grant was made under this section from funds appropriated for the fiscal year ending June 30, 1969, or any preceding year.

"(b) In determining whether to approve applications for grants described in subsection (a), the order in which to approve such applications, and the amount of the grants, the Surgeon General shall give consideration to the extent to which such projects will contribute to general improvement in the teaching and training of nurses of the kind involved, the extent to which they will aid in attaining a wider geographical distribution throughout the United States of high quality schools of the type involved, and the relative need in the area in which the school is situated and surrounding areas for nurses of the type trained in such school.

"(c) No grant may be made under subsection (a) of this section for any project for any period after grants have been made with respect to such project for five fiscal years.

"PARTIAL REIMBURSEMENT TO DIPLOMA SCHOOLS FOR COSTS ATTRIBUTABLE TO THIS TITLE

"SEC. 806. (a) In order to prevent further attrition and promote the development of public and nonprofit private diploma schools of nursing, there are hereby authorized to be appropriated \$4,000,000 for the fiscal year ending June 30, 1965, \$7,000,000 for the fiscal year ending June 30, 1966, and \$10,000,000 for the fiscal year ending June 30, 1967, and each of the two succeeding fiscal years, to defray a portion of the cost of training students of nursing whose enrollment in such schools can be reasonably attributed to the provisions of this title.

"(b) From the amounts appropriated pursuant to subsection (a), the Surgeon General shall pay to each public or nonprofit private diploma school of nursing for each fiscal year in the five-year period beginning on July 1, 1964, and ending June 30, 1969, an amount equal to the product of \$250 and the sum of the number of federally-sponsored students in such school during such year and the number by which the full-time enrollment in such school during such year exceeds the average of the full-time enrollments in such school during the fiscal years ending June 30, 1962, June 30, 1963, and June 30, 1964, except that no such diploma school of nursing shall for any fiscal year receive an amount in excess of the product of \$100 and the full-time enrollment in such school during such year. If the amounts appropriated pursuant to subsection (a) for any fiscal year are inadequate to make the grants provided for in the preceding sentence, the amount of the grant to each such diploma school of nursing shall be reduced so that it shall bear the same ratio to such amounts appropriated for such year as the amount such school would be entitled to under the preceding sentence bears to the aggregate amount which all diploma schools of nursing would be entitled to for such year under such sentence.

“(c) For the purposes of this section—

“(1) the term ‘federally-sponsored student’ means any student enrolled in a public or nonprofit private diploma school of nursing on a full-time basis who has received for that year a loan of \$100 or more from a loan fund established pursuant to section 822; and

“‘Federally-sponsored student.’”

“(2) the full-time enrollment in any school and the number of federally-sponsored students in any school shall be determined as of February 15 of each fiscal year.

“PART B—ASSISTANCE TO NURSING STUDENTS

“TRAINEESHIPS FOR ADVANCED TRAINING OF PROFESSIONAL NURSES

“SEC. 821. (a) There are authorized to be appropriated \$8,000,000 for the fiscal year ending June 30, 1965, \$9,000,000 for the fiscal year ending June 30, 1966, \$10,000,000 for the fiscal year ending June 30, 1967, \$11,000,000 for the fiscal year ending June 30, 1968, and \$12,000,000 for the fiscal year ending June 30, 1969, to cover the cost of traineeships for the training of professional nurses to teach in the various fields of nurse training (including practical nurse training), to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties determined by the Surgeon General to require advanced training.

Appropriation.

“(b) Traineeships under this section shall be awarded by the Surgeon General through grants to public or nonprofit private institutions providing the training.

“(c) Payments to institutions under this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Surgeon General finds necessary. Such payments may be used only for traineeships and shall be limited to such amounts as the Surgeon General finds necessary to cover the costs of tuition and fees, and a stipend and allowances (including travel and subsistence expenses) for the trainees.

“LOAN AGREEMENTS

“SEC. 822. (a) The Secretary of Health, Education, and Welfare is authorized to enter into an agreement for the establishment and operation of a student loan fund in accordance with this part with any public or nonprofit private school of nursing which is located in a State.

“(b) Each agreement entered into under this section shall—

“(1) provide for establishment of a student loan fund by the school;

“(2) provide for deposit in the fund of (A) the Federal capital contributions paid under this part to the school by the Secretary, (B) an additional amount from other sources equal to not less than one-ninth of such Federal capital contributions, (C) collections of principal and interest on loans made from the fund, and (D) any other earnings of the fund;

“(3) provide that the fund shall be used only for loans to students of the school in accordance with the agreement and for costs of collection of such loans and interest thereon;

“(4) provide that loans may be made from such fund only to students pursuing a full-time course of study at the school leading to a baccalaureate or associate degree in nursing or an equivalent degree or a diploma in nursing, or to a graduate degree in nursing, and that while the agreement remains in effect no such student who has attended such school before July 1, 1969, shall receive a loan

72 Stat. 1584.
20 USC 424.

from a loan fund established under section 204 of the National Defense Education Act of 1958; and

“(5) contain such other provisions as are necessary to protect the financial interests of the United States.

“LOAN PROVISIONS

“SEC. 823. (a) The total of the loans for any academic year (or its equivalent, as determined under regulations of the Secretary) made by schools of nursing from loan funds established pursuant to agreements under this part may not exceed \$1,000 in the case of any student. In the granting of such loans, a school shall give preference to persons who enter as first-year students after enactment of this title.

“(b) Loans from any such student loan fund by any school shall be made on such terms and conditions as the school may determine; subject, however, to such conditions, limitations, and requirements as the Secretary of Health, Education, and Welfare may prescribe (by regulation or in the agreement with the school) with a view to preventing impairment of the capital of such fund to the maximum extent practicable in the light of the objective of enabling the student to complete his course of study; and except that—

“(1) such a loan may be made only to a student who (A) is in need of the amount of the loan to pursue a full-time course of study at the school leading to a baccalaureate or associate degree in nursing or an equivalent degree, or a diploma in nursing, or a graduate degree in nursing, and (B) is capable, in the opinion of the school, of maintaining good standing in such course of study;

“(2) such a loan shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the ten-year period which begins one year after the student ceases to pursue a full-time course of study at a school of nursing, except that (A) interest shall not accrue on any such loan, and periodic installments need not be paid, during any period during which the borrower is pursuing a full-time course of study at a collegiate school of nursing leading to a baccalaureate degree in nursing or an equivalent degree, or to a graduate degree in nursing, and (B) any such period shall not be included in determining such ten-year period;

“(3) not to exceed 50 per centum of any such loan (plus interest) shall be canceled for full-time employment as a professional nurse (including teaching in any of the fields of nurse training and service as an administrator, supervisor, or consultant in any of the fields of nursing) in any public or nonprofit private institution or agency, at the rate of 10 per centum of the amount of such loan plus interest thereon, which was unpaid on the first day of such service, for each complete year of such service;

“(4) the liability to repay the unpaid balance of such loan and accrued interest thereon shall be canceled upon the death of the borrower, or if the Secretary determines that he has become permanently and totally disabled;

“(5) such a loan shall bear interest on the unpaid balance of the loan, computed only for periods during which the loan is repayable, at the rate of 3 per centum per annum or the going Federal rate at the time the loan is made, whichever is the greater; and for purposes of this paragraph, the term ‘going Federal rate’ means the rate of interest which the Secretary of the Treasury specifies during June of each year for purposes of loans made during the fiscal year beginning on the next July 1,

“Going Federal
rate.”

determined by estimating the average yield to maturity, on the basis of daily closing market quotations or prices during the preceding May on all outstanding marketable obligations of the United States having a maturity date of fifteen or more years from the first day of such month of May, and by rounding off such estimated average annual yield to the next higher multiple of one-eighth of 1 per centum;

“(6) such a loan shall be made without security or endorsement, except that if the borrower is a minor and the note or other evidence of obligation executed by him would not, under the applicable law, create a binding obligation, either security or endorsement may be required;

“(7) no note or other evidence of any such loan may be transferred or assigned by the school making the loan except that, if the borrower transfers to another school participating in the program under this part, such note or other evidence of a loan may be transferred to such other school.

“(c) Where all or any part of a loan, or interest, is canceled under this section, the Secretary of Health, Education, and Welfare shall pay to the school an amount equal to the school's proportionate share of the canceled portion, as determined by the Secretary.

“(d) Any loan for any year by a school from a student loan fund established pursuant to an agreement under this part shall be made in such installments as may be provided in regulations of the Secretary or such agreement and, upon notice to the Secretary by the school that any recipient of a loan is failing to maintain satisfactory standing, any or all further installments of his loan shall be withheld, as may be appropriate.

“(e) An agreement under this part with any school shall include provisions designed to make loans from the student loan fund established thereunder reasonably available (to the extent of the available funds in such fund) to all eligible students in the school in need thereof.

“AUTHORIZATION OF APPROPRIATIONS FOR LOANS

“SEC. 824. There are authorized to be appropriated to the Secretary of Health, Education, and Welfare for Federal capital contributions to student loan funds pursuant to section 822(b)(2)(A) \$3,100,000 for the fiscal year ending June 30, 1965, \$8,900,000 for the fiscal year ending June 30, 1966, \$16,800,000 for the fiscal year ending June 30, 1967, \$25,300,000 for the fiscal year ending June 30, 1968, \$30,900,000 for the fiscal year ending June 30, 1969, and such sums for the fiscal year ending June 30, 1970, and each of the two succeeding fiscal years as may be necessary to enable students who have received a loan for any academic year ending before July 1, 1969, to continue or complete their education. Sums appropriated pursuant to this section for any fiscal year shall be available, in accordance with agreements under this part, for Federal capital contributions to schools with which such agreements have been made, to be used, together with deposits in such fund pursuant to section 822(b)(2)(B), for establishment and maintenance of student loan funds.

“ALLOTMENTS AND PAYMENTS OF FEDERAL CAPITAL CONTRIBUTIONS

“SEC. 825. (a) Sums appropriated pursuant to section 824 for any fiscal year shall be allotted by the Secretary of Health, Education, and Welfare among the States as follows: (1) He shall allot to each State an amount which bears the same ratio to 50 per centum of such sums as the number of students who graduated from secondary schools

in such State during the preceding fiscal year bears to the total number of students who graduated from secondary schools in all of the States during such year; and (2) he shall also allot to each State an amount which bears the same ratio to 50 per centum of such sums as the number of students who will be enrolled full time in public or nonprofit private schools of nursing in such State bears to the total number of students who will be enrolled full time in all such schools of nursing in all of the States. The sum of such two amounts for each State shall be its allotment. For purposes of allotments under this section, a school of nursing also includes any school with which the Secretary has, prior to the time the allotment is made, entered into an agreement for establishment of a student loan fund under this part.

“(b) (1) The Secretary shall from time to time set dates by which schools of nursing with which he has in effect agreements under this part must file applications for Federal capital contributions to their loan funds pursuant to section 822(b) (2) (A).

“(2) If the total of the amounts requested for any fiscal year in such applications which are made by schools in a State exceeds the amount of the allotment of such State for that fiscal year, the amounts to be paid to the loan fund of each such school shall be reduced to whichever of the following is the smaller: (A) the amount requested in its application or (B) an amount which bears the same ratio to the amount of the allotment of such State as the number of students who will be enrolled full time in such school during such fiscal year bears to the total number of students who will be enrolled full time in all such schools in such State during such year. Amounts remaining after allotment under the preceding sentence shall be redistributed in accordance with clause (B) of such sentence among schools which in their applications requested more than the amounts so paid to their loan funds, but with such adjustments as may be necessary to prevent the total paid to any such school's loan fund from exceeding the total so requested by it. If the total of the amounts requested for any fiscal year in such applications which are made by schools in a State is less than the amount of the allotment of such State for that fiscal year, the Secretary may reallocate the remaining amount from time to time, on such date or dates as he may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year. For the purpose of this section, the number of students who graduated from secondary schools in each State during a fiscal year and the number of students who will be enrolled full time in schools of nursing in each State shall be estimated by the Secretary of Health, Education, and Welfare on the basis of the best information available to him; and in making such estimates, the number of students enrolled full time in any collegiate school of nursing shall be deemed to be twice their actual number.

“(c) The Federal capital contributions to a loan fund of a school under this part shall be paid to it from time to time in such installments as the Secretary determines will not result in unnecessary accumulations in the loan fund at such school.

“DISTRIBUTION OF ASSETS FROM LOAN FUNDS

“SEC. 826. (a) After June 30, 1972, and not later than September 30, 1972, there shall be a capital distribution of the balance of the loan fund established under this part by each school as follows:

“(1) The Secretary of Health, Education, and Welfare shall first be paid an amount which bears the same ratio to the balance in such fund at the close of June 30, 1972, as the total amount of the Federal capital contributions to such fund by the Secretary pursuant to section

822(b)(2)(A) bears to the total amount in such fund derived from such Federal capital contributions and from funds deposited therein pursuant to section 822(b)(2)(B).

“(2) The remainder of such balance shall be paid to the school.

“(b) After September 30, 1972, each school with which the Secretary has made an agreement under this part shall pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by the school after June 30, 1972, in payment of principal or interest on loans made from the loan fund established pursuant to such agreement as was determined for the Secretary under subsection (a).

“LOANS TO SCHOOLS

“SEC. 827. (a) Upon application by any school with which he has made an agreement under this part, the Secretary may make a loan to such school for the purpose of helping to finance deposits required by section 822(b)(2)(B) in a loan fund established pursuant to such agreement. Such loan may be made only if the school shows it is unable to secure such funds upon reasonable terms and conditions from non-Federal sources. Loans made under this section shall bear interest at a rate sufficient to cover (1) the cost of the funds to the Treasury, (2) the cost of administering this section, and (3) probable losses.

“(b) There are authorized to be appropriated such sums as may be necessary to carry out this section.

“(c) Loans by the Secretary under this section shall mature within such period as the Secretary determines to be appropriate in each case, but not exceeding fifteen years.

Loan maturity.

“ADMINISTRATIVE PROVISIONS

“SEC. 828. The Secretary may agree to modifications of agreements or loans made under this part, and may compromise, waive, or release any right, title, claim, or demand of the United States arising or acquired under this part.

“PART C—GENERAL

“NATIONAL ADVISORY COUNCIL ON NURSE TRAINING; REVIEW COMMITTEE

“SEC. 841. (a) (1) There is hereby established a National Advisory Council on Nurse Training, consisting of the Surgeon General, who shall be Chairman, and the Commissioner of Education, both of whom shall be ex officio members, and sixteen members appointed by the Secretary without regard to the civil service laws. Four of the appointed members shall be selected from the general public and twelve shall be selected from among leading authorities in the various fields of nursing, higher, and secondary education, and from representatives of hospitals and other institutions and organizations which provide nursing services.

Establishment.

“(2) The Council shall advise the Surgeon General in the preparation of general regulations and with respect to policy matters arising in the administration of this title, and in the review of applications for construction projects under part A and of applications under section 805.

“(b) The Secretary of Health, Education, and Welfare shall, prior to July 1, 1967, and without regard to the civil service laws, appoint a committee, consisting of members of the public, of various groups particularly interested in or expert in matters relating to education of various types of nurses, for the purpose of reviewing the programs

Program review.
Appointment of
committee.

Report to Secretary.

Report to Congress.

authorized by this title and making recommendations with respect to continuation, extension, and modification of any of such programs. A report of the findings and recommendations of such committee shall be submitted to the Secretary not later than November 1, 1967, after which date such committee shall cease to exist. The Secretary shall submit such report, together with his comments and recommendations thereon, to the Congress on or before January 1, 1968.

“(c) Appointed members of the Council or the review committee who are not regular full-time employees of the United States shall, while attending conferences or meetings thereof, be entitled to receive compensation at a rate to be fixed by the Secretary but not exceeding \$75 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

60 Stat. 808;
75 Stat. 339, 340.

“NONINTERFERENCE WITH ADMINISTRATION OF INSTITUTIONS

“SEC. 842. Nothing contained in this title shall be construed as authorizing any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or impose any requirement or condition with respect to, the personnel, curriculum, methods of instruction, or administration of any institution.

“DEFINITIONS

“SEC. 843. For purposes of this title—

“(a) The term ‘State’ means a State, the Commonwealth of Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, or the Virgin Islands.

“(b) The term ‘school of nursing’ means a collegiate, associate degree, or diploma school of nursing.

“(c) The term ‘collegiate school of nursing’ means a department, division, or other administrative unit in a college or university which provides primarily or exclusively an accredited program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing.

“(d) The term ‘associate degree school of nursing’ means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively an accredited two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree.

“(e) The term ‘diploma school of nursing’ means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively an accredited program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed.

“(f) The term ‘accredited’ when applied to any program of nurse education means a program accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that a program which is not, at the time of the application under this title by the school which provides or will provide such program, eligible for accreditation by such a recognized body or bodies, shall be deemed accredited for purposes of this title in the following cases if the Commissioner of Education finds, after consultation with the

appropriate accreditation body or bodies, that there is reasonable assurance that the program will meet the accreditation standards of such body or bodies (1) in the case of an applicant under part A for a grant for a project for construction of a new school, prior to or upon completion of the facility with respect to which the application is filed; (2) in the case of a school applying for a grant under section 805 for a project to strengthen, improve, or expand its programs to teach and train nurses, prior to or upon completion of the project with respect to which the application is filed; and (3) in the case of a school seeking an agreement under part B for establishment of a student loan fund, prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the agreement with such school is made under part B; except that the provisions of this clause (3) shall not apply for purposes of section 825.

“(g) The term ‘nonprofit’ as applied to any school, agency, organization, or institution means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

“(h) The term ‘secondary school’ means a school which provides secondary education, as determined under State law except that it does not include any education provided beyond grade 12.

“(i) The terms ‘construction’ and ‘cost of construction’ include (1) the construction of new buildings, and the acquisition, expansion, remodeling, replacement, and alteration of existing buildings, including architects’ fees, but not including the cost of acquisition of land (except in the case of acquisition of an existing building), off-site improvements, living quarters, or patient-care facilities, and (2) equipping new buildings and existing buildings, whether or not acquired, expanded, remodeled, or altered.”

SEC. 3. (a) Effective with respect to appropriations for fiscal years beginning after June 30, 1965, section 720 of the Public Health Service Act is amended by striking out “nurses,” wherever it appears therein.

77 Stat. 164.
42 USC 293.

(b) Effective with respect to applications for grants from appropriations for fiscal years beginning after June 30, 1965, subsections (b), (c), and (d) of section 721 of such Act are amended by striking out “nursing,” and “nurses,” wherever they appear therein, and section 625(c) of such Act is amended by striking out “nurses’ home and training facilities” and inserting in lieu thereof “nurses’ home facilities”, and section 603(a) of such Act is amended by striking out clause (4), by striking out “and” following the semicolon at the end of clause (3), and by inserting “and” after the semicolon at the end of clause (2).

42 USC 293a.

Ante, p. 460.

Ante, p. 451.

(c) Effective with respect to appointments to the National Advisory Council on Education for Health Professions made after enactment of this Act, section 725(a) of such Act is amended by striking out “nursing.”

77 Stat. 169.
42 USC 293e.

(d) Effective July 1, 1965, section 728 of such Act is amended by striking out “nursing.”

42 USC 293h.

SEC. 4. (a) Section 1 of the Public Health Service Act is amended to read as follows:

“SECTION 1. Titles I to VIII, inclusive, of this Act may be cited as the ‘Public Health Service Act’.”

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title VIII (as in effect prior to the enactment of this Act) as title IX, and by renumbering sections 801 through 814 (as in effect prior to the enactment of this Act), and references thereto, as sections 901 through 914, respectively.

70 Stat. 721.

Approved September 4, 1964.

Public Law 88-582

September 7, 1964
[S. 524]

AN ACT

To provide for the registration of contractors of migrant agricultural workers, and for other purposes.

Farm Labor
Contractor Regis-
tration Act of
1963.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Farm Labor Contractor Registration Act of 1963".

CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress hereby finds that the channels and instrumentalities of interstate commerce are being used by certain irresponsible contractors for the services of the migrant agricultural laborers who exploit producers of agricultural products, migrant agricultural laborers, and the public generally, and that, as a result of the use of the channels and instrumentalities of interstate commerce by such irresponsible contractors, the flow of interstate commerce has been impeded, obstructed, and restrained.

(b) It is therefore the policy of this Act to remove the impediments, obstructions, and restraints occasioned to the flow of interstate commerce by the activities of such irresponsible contractors by requiring that all persons engaged in the activity of contracting for the services of workers for interstate agricultural employment comply with the provisions of this Act and all regulations prescribed hereunder by the Secretary of Labor.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "person" includes any individual, partnership, association, joint stock company, trust, or corporation.

(b) The term "farm labor contractor" means any person, who, for a fee, either for himself or on behalf of another person, recruits, solicits, hires, furnishes, or transports ten or more migrant workers (excluding members of his immediate family) at any one time in any calendar year for interstate agricultural employment. Such term shall not include (1) any nonprofit charitable organization, public or nonprofit private educational institution, or similar organization; (2) any farmer, processor, canner, ginner, packing shed operator, or nurseryman who engages in any such activity for the purpose of supplying migrant workers solely for his own operation; (3) any full-time or regular employee of any entity referred to in (1) or (2) above; or (4) any person who engages in any such activity for the purpose of obtaining migrant workers of any foreign nation for employment in the United States, if the employment of such workers is subject to (A) an agreement between the United States and such foreign nation, or (B) an arrangement with the government of any foreign nation under which written contracts for the employment of such workers are provided for and the enforcement thereof is provided for in the United States by an instrumentality of such foreign nation.

(c) The term "fee" includes any money or other valuable consideration paid or promised to be paid to a person for services as a farm labor contractor.

(d) The term "interstate agricultural employment" means employment in any service or activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203(f)), or section 3121(g) of the Internal Revenue Code of

1954 (26 U.S.C. 3121(g)), when such service or activity is performed by an individual worker who has been transported from one State to another or from any place outside of a State to any place within a State.

68A Stat. 424.

(e) The term "Secretary" means the Secretary of the United States Department of Labor or his duly authorized representative.

(f) The term "State" means any of the States of the United States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, and Guam.

(g) The term "migrant worker" means an individual whose primary employment is in agriculture, as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), or who performs agricultural labor, as defined in section 3121(g) of the Internal Revenue Code of 1954 (26 U.S.C. 3121(g)), on a seasonal or other temporary basis.

52 Stat. 1060.

CERTIFICATE OF REGISTRATION REQUIRED

SEC. 4. (a) No person shall engage in activities as a farm labor contractor unless he first obtains a certificate of registration from the Secretary, and unless such certificate is in full force and effect and is in such person's immediate possession.

(b) A full-time or regular employee of any person holding a valid certificate of registration under the provisions of this Act shall not, for the purpose of engaging in activities as a farm labor contractor solely on behalf of such person, be required to obtain a certificate of registration hereunder in his own name. Any such employee shall be required to have in his immediate personal possession when engaging in such activities such identification as the Secretary may require showing such employee to be an employee of, and duly authorized to engage in activities as a farm labor contractor for, a person holding a valid certificate of registration under the provisions of this Act. Except as provided in the foregoing provisions of this subsection, any such employee shall be subject to the provisions of this Act and regulations prescribed hereunder to the same extent as if he were required to obtain a certificate of registration in his own name.

ISSUANCE OF CERTIFICATE OF REGISTRATION

SEC. 5. (a) The Secretary shall, after appropriate investigation, issue a certificate of registration under this Act to any person who—

(1) has executed and filed with the Secretary a written application subscribed and sworn to by the applicant containing such information (to the best of his knowledge and belief) concerning his conduct and method of operation as a farm labor contractor as the Secretary may require in order effectively to carry out the provisions of this Act;

(2) has filed, within such time as the Secretary may prescribe, proof satisfactory to the Secretary of the financial responsibility of the applicant or proof satisfactory to the Secretary of the existence of a policy of insurance which insures such applicant against liability for damages to persons or property arising out of the applicant's ownership of, operation of, or his causing to be operated any vehicle for the transportation of migrant workers in connection with his business, activities, or operations as a farm labor contractor. The amount of any such policy of insurance shall be not less than the amount required under the law or regulation of any State in which such applicant operates a vehicle in connection with his business, activities, or operations as a farm labor contractor; but in no event shall the amount of such insur-

ance be less than \$5,000 for bodily injuries to or death of one person; \$20,000 for bodily injuries to or death of all persons injured or killed in any one accident; \$5,000 for the loss or damage in any one accident to property of others; and

(3) has filed, within such time as the Secretary may prescribe, a set of his fingerprints.

(b) Upon notice and hearing in accordance with regulations prescribed by him, the Secretary may refuse to issue, and may suspend, revoke, or refuse to renew a certificate of registration to any farm labor contractor if he finds that such contractor—

(1) knowingly has made any misrepresentations or false statements in his application for a certificate of registration or any renewal thereof;

(2) knowingly has given false or misleading information to migrant workers concerning the terms, conditions, or existence of agricultural employment;

(3) has failed, without justification, to perform agreements entered into or arrangements with farm operators;

(4) has failed, without justification, to comply with the terms of any working arrangements he has made with migrant workers;

(5) has failed to show financial responsibility satisfactory to the Secretary required by subsection (a) (2) of this section or has failed to keep in effect a policy of insurance required by subsection (a) (2) of this section;

(6) has recruited, employed, or utilized the services of a person with knowledge that such person is violating the provisions of the immigration and nationality laws of the United States;

(7) has been convicted of any crime under State or Federal law relating to gambling or to the sale, distribution, or possession of alcoholic liquors in connection with or incident to his activities as a farm labor contractor; or has been convicted of any crime under State or Federal law involving robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or prostitution;

(8) has failed to comply with rules and regulations promulgated by the Interstate Commerce Commission that are applicable to his activities and operations in interstate commerce;

(9) knowingly employs or continues to employ any person to whom subsection (b) of section 4 of this Act applies who has taken any action, except for that listed in paragraph (5) of this subsection, which could be used by the Secretary under this subsection to refuse to issue a certificate of registration; or

(10) has failed to comply with any of the provisions of this Act or any regulations issued hereunder.

(c) A certificate of registration, once issued, may not be transferred or assigned and shall be effective for the remainder of the calendar year during which it is issued, unless suspended or revoked by the Secretary as provided in this Act. A certificate of registration may be renewed each calendar year upon approval by the Secretary of an application for its renewal.

OBLIGATIONS AND PROHIBITIONS

SEC. 6. Every farm labor contractor shall—

(a) carry his certificate of registration with him at all times while engaging in activities as a farm labor contractor and exhibit the same to all persons with whom he intends to deal in his capacity as a farm labor contractor prior to so dealing;

(b) ascertain and disclose to each worker at the time the worker is recruited the following information to the best of his knowledge and belief: (1) the area of employment, (2) the crops and operations on which he may be employed, (3) the transportation, housing, and insurance to be provided him, (4) the wage rates to be paid him, and (5) the charges to be made by the contractor for his services;

(c) upon arrival at a given place of employment, post in a conspicuous place a written statement of the terms and conditions of that employment;

(d) in the event he manages, supervises, or otherwise controls the housing facilities, post in a conspicuous place the terms and conditions of occupancy; and

(e) in the event he pays migrant workers engaged in interstate agricultural employment, either on his own behalf or on behalf of another person, keep payroll records which shall show for each worker total earnings in each payroll period, all withholdings from wages, and net earnings. In addition, for workers employed on a time basis, the number of units of time employed and the rate per unit of time shall be recorded on the payroll records, and for workers employed on a piece rate basis, the number of units of work performed and the rate per unit shall be recorded on such records. In addition he shall provide to each migrant worker engaged in interstate agricultural employment with whom he deals in a capacity as a farm labor contractor a statement of all sums paid to him (including sums received on behalf of such migrant worker) on account of the labor of such migrant worker. He shall also provide each such worker with an itemized statement showing all sums withheld by him from the amount he received on account of the labor of such worker, and the purpose for which withheld. The Secretary may prescribe an appropriate form for recording such information.

AUTHORITY TO OBTAIN INFORMATION

SEC. 7. The Secretary or his designated representative may investigate and gather data with respect to matters which may aid in carrying out the provisions of this Act. In any case in which a complaint has been filed with the Secretary regarding a violation of this Act or with respect to which the Secretary has reasonable grounds to believe that a farm labor contractor has violated any provisions of this Act, the Secretary or his designated representative may investigate and gather data respecting such case, and may, in connection therewith, enter and inspect such places and such records (and make such transcriptions thereof), question such persons, and investigate such facts, conditions, practices, or matters as may be necessary or appropriate to determine whether a violation of this Act has been committed.

AGREEMENTS WITH FEDERAL AND STATE AGENCIES

SEC. 8. The Secretary is authorized to enter into agreements with Federal and State agencies, to utilize (pursuant to such agreements) the facilities and services of the agencies, and to delegate to the agencies such authority, other than rulemaking, as he deems necessary in carrying out the provisions of this Act, and to allocate or transfer funds or otherwise to pay or to reimburse such agencies for expenses in connection therewith.

PENALTY PROVISIONS

SEC. 9. Any farm labor contractor or employee thereof who willfully and knowingly violates any provision of this Act or any regulation prescribed hereunder shall be fined not more than \$500.

APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT

60 Stat. 237.

SEC. 10. The provisions of the Administrative Procedure Act (5 U.S.C. 1001 and the following) shall apply to all administrative proceedings conducted pursuant to the authority contained in this Act.

JUDICIAL REVIEW

62 Stat. 928;
65 Stat. 726.

SEC. 11. Any person aggrieved by any order of the Secretary in refusing to issue or renew, or in suspending or revoking, a certificate of registration may obtain a review of any such order by filing in the district court of the United States for the district wherein such person resides or has his principal place of business, or in the United States District Court for the District of Columbia, and serving upon the Secretary, within thirty days after the entry of such order, a written petition praying that the order of the Secretary be modified or set aside in whole or in part. Upon receipt of any such petition, the Secretary shall file in such court a full, true, and correct copy of the transcript of the proceedings upon which the order complained of was entered. Upon the filing of such petition and receipt of such transcript, such court shall have jurisdiction to affirm, set aside, modify, or enforce such order, in whole or in part. In any such review, the findings of fact of the Secretary shall not be set aside if supported by substantial evidence. The judgment and decree of the court shall be final, subject to review as provided in sections 1254 and 1291 of title 28, United States Code.

STATE LAWS AND REGULATIONS

SEC. 12. This Act and the provisions contained herein are intended to supplement State action and compliance with this Act shall not excuse anyone from compliance with appropriate State law and regulation.

SEVERABILITY

SEC. 13. If any provision of this Act, or the application thereof to any person or circumstance, shall be held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

RULES AND REGULATIONS

SEC. 14. The Secretary is authorized to issue such rules and regulations as he determines necessary for the purpose of carrying out the provisions of sections 4, 5, 6, and 8 of this Act.

EFFECTIVE DATE

SEC. 15. The provisions of this Act shall become effective on January 1, 1965.

Approved September 7, 1964.

Public Law 88-583

AN ACT

September 7, 1964
[S. 1123]

To provide for the construction of the Lower Teton division of the Teton Basin Federal reclamation project, Idaho, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to assist in the irrigation of arid and semiarid lands in the upper Snake River Valley, Idaho, to provide facilities for river power opportunities created thereby and, as incidents to the foregoing purposes, to enhance recreational opportunities and provide for the conservation and development of fish and wildlife, the Secretary of the Interior is authorized to construct, operate, and maintain the Lower Teton division of the Teton Basin Federal reclamation project. The principal engineering features of the said project shall be a dam and reservoir at the Fremont site, a pumping plant, powerplant, canals and water distribution facilities, ground water development, and related facilities in the upper Snake River Valley, Idaho. In the construction, operation, and maintenance of the said project and project works the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof and supplementary thereto). The project shall be operated consistent with the existing agreements as to storage rights in the Federal reclamation reservoirs in the upper Snake River Basin.

Teton Basin
Federal reclama-
tion project,
Idaho.

43 USC 371 note.

SEC. 2. The period provided in subsection (d) of section 9 of the Reclamation Project Act of 1939, as amended, for repayment of construction costs properly allocable to any block of lands and assigned to be repaid by the irrigators may be extended to fifty years, exclusive of a development period, from the time water is first delivered to that block, or as near that number of years as is consistent with the adoption and operation of a repayment formula as therein provided. Costs allocated to irrigation in excess of the amount determined by the Secretary to be within the ability of the irrigators to repay within a fifty-year period shall be returned to the reclamation fund from revenues derived by the Secretary from the disposition of power marketed through the Bonneville Power Administration and attributable to Federal projects in Idaho.

Construction
costs, repayment.
53 Stat. 1193.
43 USC 485h.

SEC. 3. (a) The Secretary is authorized to construct, operate, and maintain or otherwise provide for basic public outdoor recreation facilities, to acquire or otherwise to include within the division area such adjacent lands or interests therein as are necessary for public recreation use, to allocate water and reservoir capacity to recreation, and to provide for the public use and enjoyment of division lands, facilities, and water areas in a manner coordinated with the other division functions. The Secretary is authorized to enter into agreements with Federal agencies or State or local public bodies for the operation, maintenance, or additional development of division lands or facilities, or to dispose of division lands or facilities to Federal agencies or State or local public bodies by lease, transfer, conveyance, or exchange upon such terms and conditions as will best promote the development and operation of such lands and facilities in the public interest for recreation purposes. The costs of the aforesaid undertakings, including costs of investigation, planning, Federal operation and maintenance, shall be nonreimbursable. Nothing herein shall limit the authority of the Secretary granted by existing provisions of law relating to recreation development of water resource projects or to disposition of public lands for recreation purposes.

Outdoor recrea-
tion facilities.

Agreements.

(b) Costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be considered as project costs and allocated as may be appropriate among other division functions.

Water users con-
tracts.
Amendment au-
thority.

SEC. 4. (a) The Secretary is authorized to amend contracts heretofore made under the Acts of September 30, 1950 (64 Stat. 1083), and of August 31, 1954 (68 Stat. 1026), whereby the water users assumed an obligation for winter power replacement based on the winter water savings program at the Minidoka powerplant to relieve the contractors ratably by one-third of that obligation, and to make new contracts under these Acts on a like basis. To the extent such annual obligations are reduced, the cost thereof shall be included in the cost to be absorbed by the power operations of the Federal power system in Idaho.

(b) The actual construction of the facilities herein authorized shall not be undertaken until at least 80 per centum of the conservation capacity in Fremont Reservoir is under subscription, nor until negotiations have been undertaken in accordance with the provisions of (a) of this section.

Reports to Pres-
ident and Con-
gress.

(c) No construction shall be undertaken on facilities of the Lower Teton division which are required solely to provide a full water supply to lands in the Rexburg Bench area until the Secretary has submitted his report and finding of feasibility on this phase of the division to the President and to the Congress.

Appropriation.

SEC. 5. There is hereby authorized to be appropriated for the construction of the Lower Teton division of the Teton Basin Federal reclamation project, the sum of \$52,000,000, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved therein, and, in addition thereto, such sums as may be required to operate and maintain said division.

Approved September 7, 1964.

Public Law 88-584

AN ACT

September 7, 1964
[S. 692]

To establish Federal agricultural services to Guam, and for other purposes.

Guam.
Technical agri-
cultural services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to establish and maintain an agricultural program in Guam which will include such programs administered by the United States Department of Agriculture, hereinafter referred to as "Department", as are determined by the Secretary will promote the welfare of that island. This authority may be exercised without regard to section 25(b) of the Organic Act of Guam (64 Stat. 390; 48 U.S.C. 1421c(b)), or any other provision of law under which Guam may have been excluded from such programs. The Secretary is authorized to provide for such modification of any such programs extended to Guam as he deems necessary in order to adapt it to the needs of Guam. The program authorized by this section shall be developed in cooperation with the territorial government of Guam and shall be covered by a memorandum of understanding agreed to by the territorial government and the Department. The Secretary may also utilize the agencies, facilities, and employees of the Department, and may cooperate with other public agencies and with private organizations and individuals in Guam and elsewhere: *Provided*, That the number of employees of the United States Department of Agriculture stationed on Guam to carry out the purposes of this Act shall not exceed three at any one time.

SEC. 2. There are hereby authorized to be appropriated such sums, but not to exceed \$60,000 per annum, as may be necessary to carry out the purposes of this Act. Sums appropriated in pursuance of this Act shall be in addition to, and not in substitution for, sums appropriated or otherwise made available to the Department, and may be allocated to such agencies of the Department as are concerned with the administration of the program in Guam.

SEC. 3. All provisions of this Act shall terminate five years from the date of enactment of this Act.

Approved September 7, 1964.

Public Law 88-585

AN ACT

To establish penalties for misuse of feed made available for relieving distress or preservation and maintenance of foundation herds.

September 11, 1964
[S. 400]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 407 of the Agricultural Act of 1949, as amended, is hereby amended (1) by changing in the fifth sentence the words "not less than 75 per centum of the current support price for such feed (or a comparable price if there is no current support price)" to read "not less than 75 per centum of the current basic county support rate for such feed including the value of any applicable price support payment in kind (or a comparable price if there is no current basic county support rate)"; (2) by inserting in the fifth sentence "including the Virgin Islands" after "The United States" wherever it appears; (3) by adding at the end of the fifth sentence the following: "Provided, That the Secretary may provide for the furnishing of feed or mixed feed, in accordance with regulations prescribed by him, to such persons by feed dealers under an arrangement whereby the feed grains (or other feed being sold by the Corporation) in the feed so furnished would be replaced with feed owned or controlled by the Corporation and sold to such persons at a price determined as provided above."; and (4) by adding at the end of the sixth sentence "or other area".

Misuse of feed.
Penalties.
63 Stat. 1055;
75 Stat. 293.
7 USC 1427.

SEC. 2. The Agricultural Act of 1949, as amended, is amended by adding at the end of title IV the following:

63 Stat. 1054;
66 Stat. 759.
7 USC 1421-1432.

"SEC. 421. Any person who disposes of any feed which has been made available to him under section 407 of this Act for use in relieving distress or for preservation and maintenance of foundation herds, other than as authorized by the Secretary, shall be subject to a penalty equal to the market value of the feed involved, to be recovered by the Secretary in a civil suit brought for that purpose, and in addition shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$1,000 or imprisonment for not more than one year."

SEC. 3. The Act of September 21, 1959 (73 Stat. 574), is amended (1) by changing the words "at current support prices," to read "at not less than the current basic county support rate including the value of any applicable price support payment in kind (or a comparable price if there is no current basic county support rate)"; (2) by adding at the end of section 2, the following: "'State' means any State in the United States, Puerto Rico, and the Virgin Islands."; (3) by adding at the end of section 3 the following: "The Secretary may provide for the furnishing of feed grains or mixed feed, in accordance with regulations prescribed by him, to any such person by a feed dealer under an arrangement whereby feed grains in the feed so furnished would be replaced with feed grains owned or controlled by the Corporation

7 USC 1427 note.

and sold to such person at a price determined as provided in section 1.”; and (4) by inserting in section 4 after the word “purchased” the words “or furnished”.

Approved September 11, 1964.

Public Law 88-586

AN ACT

September 11, 1964
[S. 2905]

To provide for the appointment of a Commissioner General for United States participation in the Canadian Universal and International Exhibition, and for other purposes.

Canadian Universal and International Exhibition.
Commissioner General.
75 Stat. 527.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for United States participation in the Canadian Universal and International Exhibition to be held at Montreal, Canada, in 1967, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the President is hereby authorized to appoint or designate a Commissioner General, by and with the advice and consent of the Senate, who shall receive annual compensation not in excess of \$22,500, and allowances and benefits as determined by the President but not in excess of those received by a chief of mission at a class 2 post, pursuant to the Foreign Service Act of 1946, as amended (22 U.S.C. 801): *Provided*, That no officer of the United States Government who is designated under this Act as Commissioner General or as a principal representative shall be entitled to such compensation.

Ante, p. 428.

Approved September 11, 1964.

Public Law 88-587

AN ACT

September 11, 1964
[S. 1365]

To establish the Fire Island National Seashore, and for other purposes.

Fire Island National Seashore.
Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purpose of conserving and preserving for the use of future generations certain relatively unspoiled and undeveloped beaches, dunes, and other natural features within Suffolk County, New York, which possess high values to the Nation as examples of unspoiled areas of great natural beauty in close proximity to large concentrations of urban population, the Secretary of the Interior is authorized to establish an area to be known as the “Fire Island National Seashore”.

Boundaries.

(b) The boundaries of the national seashore shall extend from the easterly boundary of Robert Moses State Park eastward to Moriches Inlet and shall include not only Fire Island proper, but also such islands and marshlands in the Great South Bay, Bellport Bay, and Moriches Bay adjacent to Fire Island as Sexton Island, West Island, Hollins Island, Ridge Island, Pelican Island, Pattersquash Island, and Reeves Island and such other small and adjacent islands, marshlands, and wet lands as would lend themselves to contiguity and reasonable administration within the national seashore and, in addition, the waters surrounding said area to distances of one thousand feet in the Atlantic Ocean and up to four thousand feet in Great South Bay and Moriches Bay, all as delineated on a map identified as “Fire Island National Seashore No. OGP-0002”, dated June 1964. The Secretary shall file said map with the Federal Register, and it may also be examined in the offices of the Department of the Interior.

SEC. 2. (a) The Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as appropriated funds become available for the purpose or as such acquisition can be accomplished by donation or with donated funds or by transfer, exchange, or otherwise, the lands, waters, and other property, and improvements thereon and any interest therein, within the boundaries of the seashore as established under section 1 of this Act. Any property or interest therein owned by the State of New York, by Suffolk County, or by any other political subdivision of said State may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act. In exercising his authority to acquire property in accordance with the provisions of this subsection, the Secretary may enter into contracts requiring the expenditure, when appropriated, of funds authorized by this Act, but the liability of the United States under any such contract shall be contingent on the appropriation of funds sufficient to fulfill the obligations thereby incurred.

Acquisition of
land.

(b) When the Secretary determines that lands and waters or interests therein have been acquired by the United States in sufficient quantity to provide an administrative unit, he shall declare the establishment of the Fire Island National Seashore by publication of notice in the Federal Register.

Publication in
Federal Register.

(c) The Secretary shall pay not more than the fair market value, as determined by him, for any land or interest therein acquired by purchase.

(d) When acquiring land by exchange the Secretary may accept title to any nonfederally owned land located within the boundaries of the national seashore and convey to the grantor any federally owned land under the jurisdiction of the Secretary. The lands so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from or pay cash to the grantor in order to equalize the values of the lands exchanged.

(e) With one exception the Secretary shall not acquire any privately owned improved property or interests therein within the boundaries of the seashore or any property or interests therein within the communities delineated on the boundary map mentioned in section 1, except beach or waters and adjoining land within such communities which the Secretary determines are needed for public access to the beach, without the consent of the owners so long as the appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid, zoning ordinance that is satisfactory to the Secretary. The sole exception to this limitation on the power of the Secretary to condemn improved property where appropriate zoning ordinances exist shall be in the approximately eight-mile area from the easterly boundary of the Brookhaven town park at Davis Park, in the town of Brookhaven, to the westerly boundary of the Smith Point County Park. In this area only, when the Secretary deems it advisable for carrying out the purposes of this Act or to improve the contiguity of the park land and ease its administration, the Secretary may acquire any land or improvements therein by condemnation. In every case in which the Secretary exercises this right of condemnation of improved property the beneficial owner or owners (not being a corporation) of any improved property so condemned, provided he, she, or they held the same or a greater estate in the property on July 1, 1963, may elect as a condition of such acquisition by the Secretary any one of the following three alternatives:

(1) that the Secretary shall take the said property in fee simple absolute and pay the fair market value thereof as of the date of such taking;

(2) that the owner or owners shall retain a life estate in said property, measured on the life of the sole owner or on the life of any one person among multiple owners (notice of the person so designated to be filed in writing with the Secretary within six months after the taking) or on the life of the survivor in title of any estate held on July 1, 1963, as a tenancy by the entirety. The price in such case shall be diminished by the actuarial fair market value of the life estate retained, determined on the basis of standard actuarial methods;

(3) that the owner or owners shall retain an estate for twenty-five years. The price in this case shall likewise be diminished by the value of the estate retained.

“Improved
property.”

(f) The term “improved property” as used in this Act shall mean any building, the construction of which was begun before July 1, 1963, and such amount of land, not in excess of two acres in the case of a residence or ten acres in the case of a commercial or industrial use, on which the building is situated as the Secretary considers reasonably necessary to the use of the building: *Provided*, That the Secretary may exclude from improved properties any beach or waters, together with so much of the land adjoining such beach or waters as he deems necessary for public access thereto.

Regulations.

SEC. 3. (a) In order to carry out the provisions of section 2, the Secretary shall issue regulations, which may be amended from time to time, specifying standards that are consistent with the purposes of this Act for zoning ordinances which must meet his approval.

(b) The standards specified in such regulations shall have the object of (1) prohibiting new commercial or industrial uses, other than commercial or industrial uses which the Secretary considers are consistent with the purposes of this Act, of all property within the national seashore, and (2) promoting the protection and development for purposes of this Act of the land within the national seashore by means of acreage, frontage, and setback requirements.

(c) Following issuance of such regulations the Secretary shall approve any zoning ordinance or any amendment to any approved zoning ordinance submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment. Such approval shall remain effective for so long as such ordinance or amendment remains in effect as approved.

(d) No zoning ordinance or amendment thereof shall be approved by the Secretary which (1) contains any provisions that he considers adverse to the protection and development, in accordance with the purposes of this Act, of the area comprising the national seashore; or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such ordinance or amendment.

(e) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this Act, is made the subject of a variance under, or becomes for any reason an exception to, such zoning ordinance, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage of such ordinance, the suspension of the Secretary's authority to acquire such improved property by condemnation shall automatically cease.

(f) The Secretary shall furnish to any party in interest upon request a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

SEC. 4. (a) Owners of improved property acquired by the Secretary may reserve for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a term that is not more than twenty-five years. The value of the reserved right shall be deducted from the fair market value paid for the property.

Owners' use
of property.

(b) A right of use and occupancy reserved pursuant to this section shall be subject to termination by the Secretary upon his determination that the use and occupancy is not consistent with an applicable zoning ordinance approved by the Secretary in accordance with the provisions of section 3 of this Act, and upon tender to the owner of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

SEC. 5. The Secretary shall permit hunting, fishing, and shell-fishing on lands and waters under his administrative jurisdiction within the Fire Island National Seashore in accordance with the laws of New York and the United States of America, except that the Secretary may designate zones where, and establish periods when, no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment. Any regulations of the Secretary under this section shall be issued after consultation with the Conservation Department of the State of New York.

Hunting and
fishing.

SEC. 6. The Secretary may accept and use for purposes of this Act any real or personal property or moneys that may be donated for such purposes.

SEC. 7. (a) The Secretary shall administer and protect the Fire Island National Seashore with the primary aim of conserving the natural resources located there. The area known as the Sunken Forest Preserve shall be preserved from bay to ocean in as nearly its present state as possible, without developing roads therein, but continuing the present access by those trails already existing and limiting new access to similar trails limited in number to those necessary to allow visitors to explore and appreciate this section of the seashore.

Sunken Forest
Preserve.

(b) Access to that section of the seashore lying between the easterly boundary of the Brookhaven town park at Davis Park and the westerly boundary of the Smith Point County Park shall be provided by ferries and footpaths only, and no roads shall be constructed in this section except such minimum roads as may be necessary for park maintenance vehicles. No development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the flora and fauna or the physiographic conditions now prevailing, and every effort shall be exerted to maintain and preserve this section of the seashore as well as that set forth in the preceding paragraph in as nearly their present state and condition as possible.

(c) In administering, protecting, and developing the entire Fire Island National Seashore, the Secretary shall be guided by the provisions of this Act and the applicable provisions of the laws relating to the national park system, and the Secretary may utilize any other statutory authority available to him for the conservation and development of natural resources to the extent he finds that such authority will further the purposes of this Act. Appropriate user fees may be collected notwithstanding any limitation on such authority by any provision of law.

Shore erosion
control.

SEC. 8. (a) The authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection measures on lands within the Fire Island National Seashore shall be exercised in accordance with a plan that is mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that is consistent with the purposes of this Act.

(b) The Secretary shall also contribute the necessary land which may be required at any future date for the construction of one new inlet across Fire Island in such location as may be feasible in accordance with plans for such an inlet which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that is consistent with the purposes of this Act.

Fire Island Na-
tional Advisory
Commission.
Establishment.

SEC. 9. (a) There is hereby established a Fire Island National Seashore Advisory Commission (hereinafter referred to as the Commission). The Commission shall terminate on the tenth anniversary of the date of this Act or on the declaration, pursuant to section 2(b) of this Act, of the establishment of the Fire Island National Seashore, whichever occurs first. The Commission shall consist of fifteen members, each appointed for a term of two years by the Secretary, as follows:

(1) Ten members to be appointed from recommendations made by each of the town boards of Suffolk County, New York, one member from the recommendations made by each such board;

(2) Two additional members to be appointed from recommendations of the town boards of the towns of Islip and Brookhaven, Suffolk County, New York;

(3) One member to be appointed from the recommendation of the Governor of the State of New York;

(4) One member to be appointed from the recommendation of the county executive of Suffolk County, New York;

(5) One member to be designated by the Secretary.

(b) The Secretary shall designate one member to be Chairman.

(c) A member of the Commission shall serve without compensation.

(d) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(e) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of Fire Island National Seashore and shall consult with the members with respect to carrying out the provisions of sections 2, 3, and 4 of this Act.

Conflict of
interest.

(f) (1) Any member of the Advisory Commission appointed under this Act shall be exempted, with respect to such appointment, from the operation of sections 281, 283, 284, and 1914 of title 18 of the United States Code and section 190 of the Revised Statutes (5 U.S.C. 99) except as otherwise specified in paragraph (2) of this subsection.

76 Stat. 1126.

(2) The exemption granted by paragraph (1) of this subsection shall not extend—

(i) to the receipt of payment of salary in connection with the appointee's Government service from any sources other than the private employer of the appointee at the time of his appointment; or

(ii) during the period of such appointment, and the further period of two years after the termination thereof, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment.

SEC. 10. There is hereby authorized to be appropriated not more than \$16,000,000 for the acquisition of lands and interests in land pursuant to this Act.

Appropriation.

Approved September 11, 1964.

Public Law 88-588

AN ACT

September 12, 1964
[S. 2082]

To authorize the Secretary of the Interior to accept a transfer of certain lands within Everglades National Park, Dade County, Florida, for administration as a part of said park, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to accept a transfer from the Administrator of the Farmers Home Administration, United States Department of Agriculture, which transfer is hereby authorized, of a tract of land consisting of approximately four thousand four hundred and twenty acres, lying within the boundaries of Everglades National Park, in Dade County, Florida, and more particularly described in the masters deed dated December 21, 1962, in the proceeding entitled "The Connecticut Mutual Life Insurance Company against Toni Iori, a single man; Peter Iori and Helen Iori, his wife, d/b/a Iori Bros., et al.," No. 61C-3823, in the Circuit Court of the Eleventh Judicial Circuit of Florida, in and for Dade County, and recorded in the official records of said county in book 3494 at page 457, or in any modification of such masters deed, for administration as a part of the Everglades National Park. Such transfer will be made by the Farmers Home Administration, Department of Agriculture, to the Secretary of Interior, only after the Farmers Home Administration's emergency credit revolving fund has been fully reimbursed for all cost incurred by it in connection with the aforesaid land. Such transfer may be accepted when title to the property is vested in the United States.

Everglades National Park, Fla.
Transfer of lands.

SEC. 2. There is hereby authorized to be appropriated to the emergency credit revolving fund, upon the transfer authorized in section 1, such sum as may be necessary but not in excess of \$452,000 to reimburse the fund for costs incurred by the Farmers Home Administration in connection with the aforesaid property.

Appropriation.

Approved September 12, 1964.

Public Law 88-589

AN ACT

September 12, 1964
[S. 277]

To amend the Federal Crop Insurance Act, as amended, in order to increase the number of new counties in which crop insurance may be offered each year.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth sentence of section 508(a) of the Federal Crop Insurance Act, as amended (7 U.S.C. 1508(a)), is amended by striking out "in not to exceed 100 counties", and inserting in lieu thereof "in not to exceed 150 counties".

Crop insurance.

67 Stat. 575.

Approved September 12, 1964.

Public Law 88-590

September 12, 1964
[S. 27]

AN ACT

To provide for establishment of the Canyonlands National Park in the State of Utah, and for other purposes.

Canyonlands
National Park,
Utah.
Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve an area in the State of Utah possessing superlative scenic, scientific, and archeologic features for the inspiration, benefit, and use of the public, there is hereby established the Canyonlands National Park which, subject to valid existing rights, shall comprise the following generally described lands:

Beginning at a point on the left or east bank of the Green River on the north township line of township 27 south, range 17½ (partially surveyed), Salt Lake base and meridian:

thence easterly along the north township line through township 27 south, range 17½ east (partially surveyed), and township 27 south, range 18 east (partially surveyed), to the northeast corner of section 6, township 27 south, range 18 east (partially surveyed);

thence southerly along the east line of section 6 to the southeast corner of section 6, township 27 south, range 18 east (partially surveyed);

thence easterly along the north line of sections 8, 9, and 10 to the northeast corner of section 10, township 27 south, range 18 east (partially surveyed);

thence southerly along the east line of section 10 to the southeast corner of section 10, township 27 south, range 18 east (partially surveyed);

thence easterly along the north line of sections 14 and 13 to the northeast corner of section 13, township 27 south, range 18 east (partially surveyed);

thence continuing easterly along the north line of sections 18, 17, 16, and 15 to the northeast corner of section 15, township 27 south, range 19 east (partially surveyed);

thence southerly along the east line of sections 15 and 22 to the southeast corner of section 22, township 27 south, range 19 east (partially surveyed);

thence easterly along the north line of sections 26 and 25 to the northeast corner of section 25, township 27 south, range 19 east (partially surveyed);

thence continuing easterly along the north line of section 30 to the northeast corner of section 30, township 27 south, range 20 east;

thence southerly along the east line of section 30 to the southeast corner of section 30, township 27 south, range 20 east;

thence easterly along the south line of section 29 to the southeast corner of the west half of section 28, township 27 south, range 20 east;

thence southerly along the east line of the west half of section 33 to the southeast corner of the west half of section 33, township 27 south, range 20 east;

thence continuing southerly along the east line of the west half of sections 4, 9, 16, and 21 to the southeast corner of the west half of section 21, township 28 south, range 20 east;

thence westerly along the south line of sections 21 and 20 to the southwest corner of section 20, township 28 south, range 20 east;

thence southerly along the east line of sections 30 and 31 to the southeast corner of section 31, township 28 south, range 20 east;

thence continuing southerly along the east line of sections 6 and

7 to the southeast corner of the north half of section 7, township 29 south, range 20 east;

thence westerly along the south line of the north half of section 7 to the southwest corner of the north half of section 7, township 29 south, range 19 east;

thence continuing westerly along the south line of the northeast quarter of section 12 to the southwest corner of the northeast quarter of section 12, township 29 south, range 19 east (partially surveyed);

thence southerly along the east line of the west half of sections 12, 13, and 24 to the southeast corner of the west half of section 24, township 29 south, range 19 east (partially surveyed);

thence westerly along the south line of section 24 to the southwest corner of section 24, township 29 south, range 19 east (partially surveyed);

thence southerly along the east line of sections 26 and 35 to the southeast corner of section 35, township 29 south, range 19 east (partially surveyed);

thence easterly along the south line of township 29 south, range 19 east, to the east line of the west half of section 36, township 29½ south, range 19 east (partially surveyed);

thence southerly along the east line of the west half of section 36 to the southeast corner of the west half of section 36, township 29½ south, range 19 east (partially surveyed);

thence continuing southerly along the east line of the west half of section 1 to the southeast corner of the northwest quarter of section 1, township 30 south, range 19 east (partially surveyed);

thence easterly along the north line of the southeast quarter of section 1 to the northeast corner of the southeast quarter of section 1, township 30 south, range 19 east (partially surveyed);

thence southerly along the east line of section 1 to the southeast corner of section 1, township 30 south, range 19 east (partially surveyed);

thence easterly along the north line of section 7 to the northeast corner of section 7, township 30 south, range 20 east;

thence southerly along the east line of section 7 to the southeast corner of section 7, township 30 south, range 20 east;

thence easterly along the north line of section 17 to the northeast corner of section 17, township 30 south, range 20 east;

thence southerly along the east line of section 17 to the southeast corner of section 17, township 30 south, range 20 east;

thence easterly along the north line of sections 21 and 22 to the northeast corner of section 22, township 30 south, range 20 east;

thence southerly along the east line of sections 22, 27, and 34 to the southeast corner of section 34, township 30 south, range 20 east;

thence easterly along the south line of township 30 south, range 20 east, to the east line of section 34, township 30½ south, range 20 east (partially surveyed);

thence southerly along the east line of section 34 to the southeast corner of section 34, township 30½ south, range 20 east (partially surveyed);

thence continuing southerly along the east line of sections 3, 10, 15, 22, 27, and 34 to the southeast corner of section 34, township 31 south, range 20 east (partially surveyed);

thence continuing southerly along the east line of sections 3, 10, and 15 to the southeast corner of section 15, township 32 south, range 20 east (partially surveyed);

thence westerly along the south line of sections 15, 16, 17, and 18 to the southwest corner of section 18, township 32 south, range 20 east (partially surveyed);

thence northerly along the west line of section 18 to the northwest corner of section 18, township 32 south, range 20 east (partially surveyed);

thence westerly along the south line of section 12 to the southwest corner of section 12, township 32 south, range 19 east (partially surveyed);

thence northerly along the west line of sections 12 and 1 to the northwest corner of section 1, township 32 south, range 19 east (partially surveyed);

thence westerly along the south line of section 35 to the southwest corner of section 35, township 31 south, range 19 east (partially surveyed);

thence northerly along the west line of sections 35 and 26 to the northwest corner of section 26, township 31 south, range 19 east (partially surveyed);

thence westerly along the south line of sections 22, 21, 20, and 19 to the southwest corner of section 19, township 31 south, range 19 east (partially surveyed);

thence continuing westerly along the south line of sections 24, 23, 22, 21, 20, and 19 to the southwest corner of section 19, township 31 south, range 18 east (partially surveyed);

thence continuing westerly along the south line of sections 24, 23, and 22 to the southwest corner of the east half of section 22, township 31 south, range 17 east (partially surveyed);

thence northerly along the west line of the east half of section 22 to the northwest corner of the east half of section 22, township 31 south, range 17 east (partially surveyed);

thence westerly along the south line of section 15 to the southwest corner of section 15, township 31 south, range 17 east (partially surveyed);

thence northerly along the west line of sections 15, 10, and 3 to the northwest corner of section 3, township 31 south, range 17 east (partially surveyed);

thence easterly along the north line of sections 3, 2, and 1 to the northeast corner of section 1, township 31 south, range 17 east (partially surveyed);

thence continuing easterly along the north line of section 6 to the northeast corner of section 6, township 31 south, range 18 east (partially surveyed);

thence north through partially surveyed township 30½ south, range 18 east, to the north line of partially surveyed township 30½ south, range 18 east;

thence easterly along the north line of partially surveyed township 30½ south, range 18 east, to the southwest corner of section 34, township 30 south, range 18 east (partially surveyed);

thence northerly along the west line of sections 34 and 27 to the northwest corner of section 27, township 30 south, range 18 east (partially surveyed);

thence easterly along the north line of section 27 to the northeast corner of section 27, township 30 south, range 18 east (partially surveyed);

thence northerly along the west line of sections 23, 14, 11, and 2 to the northwest corner of section 2, township 30 south, range 18 east (partially surveyed);

thence continuing northerly along the west line of section 35 to the northwest corner of section 35, township 29 south, range 18 east (partially surveyed);

thence westerly along the south line of section 27 to the southwest corner of section 27, township 29 south, range 18 east (partially surveyed);

thence northerly along the west line of sections 27 and 22 to the northwest corner of section 22, township 29 south, range 18 east (partially surveyed);

thence westerly along the south line of section 16 to the southwest corner of section 16, township 29 south, range 18 east (partially surveyed);

thence northerly along the west line of sections 16 and 9 to the northwest corner of section 9, township 29 south, range 18 east (partially surveyed);

thence westerly along the south line of section 5 to the southwest corner of section 5, township 29 south, range 18 east (partially surveyed);

thence northerly along the west line of section 5 to the northwest corner of section 5, township 29 south, range 18 east (partially surveyed);

thence continuing northerly along the west line of section 32 to the northwest corner of section 32, township 28½ south, range 18 east (partially surveyed);

thence westerly along the south line of section 30 to the southwest corner of section 30, township 28½ south, range 18 east (partially surveyed);

thence northerly along the west line of sections 30 and 19 to the northwest corner of the south half of section 19, township 28½ south, range 18 east (partially surveyed);

thence westerly along the south line of the north half of sections 24 and 23 to the southwest corner of the northeast quarter of section 23, township 28 south, range 17 east (partially surveyed);

thence northerly along the west line of the northeast quarter of section 23 and the west line of the southeast quarter of section 14 to the northwest corner of the southeast quarter of section 14, township 28 south, range 17 east (partially surveyed);

thence westerly along the south line of the north half of sections 14 and 15 to the southwest corner of the north half of section 15, township 28 south, range 17 east (partially surveyed);

thence northerly along the west line of sections 15, 10, and 3 to the northwest corner of section 3, township 28 south, range 17 east (partially surveyed);

thence continuing northerly along the west line of sections 34, 27, 22, and 15 to the northwest corner of the south half of section 15, township 27 south, range 17 east (partially surveyed);

thence easterly along the north line of the south half of sections 15 and 14 to the northeast corner of the south half of section 14, township 27 south, range 17 east (partially surveyed);

thence northerly along the west line of sections 13, 12, and 1, township 27 south, range 17 east (partially surveyed), to the right or west bank of the Green River;

thence northerly across the Green River to the point of beginning, containing approximately 257,640 acres.

SEC. 2. Within the area described in section 1 hereof or which lies within the boundaries of the park, the Secretary of the Interior is authorized to acquire lands and interests in lands by such means as he may deem to be in the public interest. The Secretary may accept title to any non-Federal property within the park, including State-owned

Acquisition of
lands.

school sections and riverbed lands, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction within the State of Utah, notwithstanding any other provision of law. The properties so exchanged shall be of the same classification, as near as may be, and shall be of approximately equal value, and the Secretary shall take administrative action to complete transfer on any lands in a proper application by the State of Utah on or before the expiration of one hundred twenty days following the date of enactment of this Act: *Provided*, That the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the values of the properties exchanged. Federal property located within the boundaries of the park may, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary of the Interior, without consideration, for use by him in carrying out the purposes of this Act. Any lands within the boundaries of the park which are subject to Bureau of Reclamation or Federal Power Commission withdrawals are hereby freed and exonerated from any such withdrawal and shall, on the date of enactment of this Act, become a part of the Canyonlands National Park subject to no qualifications except those imposed by this Act.

Grazing privileges.

SEC. 3. Where any Federal lands included within the Canyonlands National Park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

Access roads.

SEC. 4. (a) In order to provide suitable access to the Canyonlands National Park and facilities and services required in the operation and administration of the park, the Secretary may select the location or locations of an entrance road or roads to such park and to points of interest therein from United States Route 160 and State Routes 24 and 95, including necessary entrance and related administrative headquarters sites upon lands located outside the park, and he may select a suitable location or locations outside the park for connections between entrance roads and between roads lying within the Canyonlands National Park.

Rights-of-way.

(b) To carry out the purposes of this section, the Secretary may acquire non-Federal lands or interests in lands by donation, purchase, condemnation, exchange, or such other means as he may deem to be in the public interest: *Provided*, That lands and interests in lands acquired outside the park as rights-of-way for said entrance roads and connections shall not exceed an average of one hundred twenty-five acres per mile. Rights-of-way and entrance and administrative sites acquired pursuant to this authority shall be administered pursuant to such special regulations as the Secretary may promulgate in furtherance of the purposes of this section.

(c) The Secretary may construct, reconstruct, improve, and maintain upon the lands or interests in lands acquired pursuant to this section, or otherwise in Government ownership, an entrance road or roads and connections of parkway standards, including necessary bridges and other structures and utilities as necessary, and funds appropriated for the National Park Service shall be available for these purposes: *Provided*, That if any portion of such road or roads crosses national forest land the Secretary shall obtain the approval of the Secretary of Agriculture before construction of such portion shall begin.

(d) The Secretary is hereby authorized to cooperate with the Secretary of Agriculture in the location and extension of a forest development road from State Route 95 and may extend the same from the national forest boundary to the park and points of interest therein in accordance with the applicable provisions of this section.

Forest road.

SEC. 5. Subject to the provisions of this Act, the administration, protection, and development of the Canyonlands National Park, as established pursuant to this Act, shall be exercised by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 and the following), as amended and supplemented.

Administration.

Approved September 12, 1964.

Public Law 88-591

AN ACT

September 12, 1964
[S. 1909]

To amend the joint resolution establishing the Battle of New Orleans Sesquicentennial Celebration Commission to authorize an appropriation to enable the Commission to carry out its functions under such joint resolution.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the joint resolution entitled "Joint resolution to establish the Sesquicentennial Commission for the Celebration of the Battle of New Orleans, to authorize the Secretary of the Interior to acquire certain property within Chalmette National Historical Park, and for other purposes", approved October 9, 1962 (76 Stat. 755), is amended—

Battle of New Orleans Sesquicentennial Celebration Commission.

(1) in subsection (a) thereof by striking out the colon and the following: "*Provided, however,* That all expenditures of the Commission shall be made from donated funds only", and

(2) by adding the following new subsection at the end thereof: "(d) There are hereby authorized to be appropriated such sums as may be necessary to enable the Commission to carry out its functions under the foregoing provisions of this joint resolution, but in no event shall the sums hereby authorized to be appropriated exceed a total of \$25,000."

Appropriation.

Approved September 12, 1964.

Public Law 88-592

AN ACT

September 12, 1964
[H. R. 1642]

To provide for the sale of the United States Animal Quarantine Station, Clifton, New Jersey, to the city of Clifton to provide for the establishment of a new station and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture, hereinafter called the Secretary, is authorized at such site as he shall select in the New York-New Jersey port and airport area to establish, equip, and maintain a quarantine station for animals and birds imported into the United States; but no commitment shall be made as to the site at which such station shall be established unless at least sixty days prior to the making of such commitment the Secretary of Agriculture shall have advised the chairman of the Committee on Agriculture of the House of Representatives and the chairman of the Committee on Agriculture and Forestry of the Senate in writing of the facts concerning the proposed site.

Animal quarantine station, Clifton, N.J. Relocation.

SEC. 2. The Secretary is authorized to remove the quarantine functions now being conducted at the United States Animal Quarantine Station, Clifton, New Jersey, to the new station provided for in this Act.

Sale of lands,
buildings, etc.

SEC. 3. The Secretary is authorized to enter into an agreement with the city of Clifton, New Jersey, providing for the sale of the lands, buildings, facilities, and improvements as determined by the Secretary comprising and known as the United States Animal Quarantine Station, Clifton, New Jersey. The agreement shall require that the city of Clifton pay to the Secretary the appraised value of such property as determined by the Secretary, and that upon the establishment of the new quarantine station provided for in this Act, the quarantine functions performed at the existing station shall be removed to said new station and the Secretary shall then convey to the city of Clifton by quitclaim deed for public purposes all the right, title, and interest of the United States in and to the lands, buildings, facilities, and improvements covered by the contract and comprising and known as the United States Animal Quarantine Station, Clifton, New Jersey: *Provided*, That the Secretary shall not be required to vacate and surrender the existing station until the new station shall be equipped and ready for operation and the quarantine functions removed to the new station.

SEC. 4. If the city of Clifton uses or conveys any part of the land covered by this Act for other than public purposes, all the right, title, and interest in and to the land conveyed under this Act shall revert to and become the property of the United States, which shall have the immediate right of entry thereon. The cost of any survey required in connection with conveyance of the Clifton property covered by this Act shall be at the expense of the city of Clifton.

SEC. 5. In carrying out this Act, the Secretary is authorized to acquire land and interests therein, including leasehold interests, construct or alter such buildings and other public improvements on any of such land or interests therein as may be necessary, cooperate with public and private organizations and individuals and remove any property from the existing quarantine station at Clifton, New Jersey. The Secretary is also authorized to acquire by long-term lease necessary improved and unimproved real property and pay therefor on an annual basis.

Appropriation.

SEC. 6. Proceeds received from the sale of the animal quarantine station at Clifton, New Jersey, shall be available to the Secretary until expended for carrying out this Act. There are authorized to be appropriated such additional funds as may be necessary to carry out this Act.

Approved September 12, 1964.

Public Law 88-593

September 12, 1964
[H. R. 12267]

AN ACT

To provide for notice of change in control of management of insured banks, and for other purposes.

Banks.
64 Stat. 876;
74 Stat. 547.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Deposit Insurance Act (12 U.S.C. 1811-1831), as amended, be amended by adding the following new subsection (j) at the end of section 7 thereof:

“(j) (1) Whenever a change occurs in the outstanding voting stock of any insured bank which will result in control or in a change in the control of the bank, the president or other chief executive officer of such bank shall promptly report such facts to the appropriate Federal banking agency upon obtaining knowledge of such change. As used in this subsection, the term ‘control’ means the power to directly or indirectly direct or cause the direction of the management or policies of the bank. A change in ownership of voting stock which would result in direct or indirect ownership by a stockholder or an affiliated group of stockholders of less than 10 percent of the outstanding voting stock shall not be considered a change of control. If there is any doubt as to whether a change in the outstanding voting stock is sufficient to result in control thereof or to effect a change in the control thereof, such doubt shall be resolved in favor of reporting the facts to the appropriate Federal banking agency.

“Control.”

“(2) Whenever an insured bank makes a loan or loans, secured, or to be secured, by 25 per centum or more of the outstanding voting stock of an insured bank, the president or other chief executive officer of the lending bank shall promptly report such fact to the appropriate Federal banking agency of the bank whose stock secures the loan or loans upon obtaining knowledge of such loan or loans, except that no report need be made in those cases where the borrower has been the owner of record of the stock for a period of one year or more, or the stock is that of a newly organized bank prior to its opening.

“(3) The reports required by paragraphs (1) and (2) of this subsection shall contain the following information to the extent that it is known by the person making the report: (a) the number of shares involved, (b) the names of the sellers (or transferors), (c) the names of the purchasers (or transferees), (d) the names of the beneficial owners if the shares are registered in another name, (e) the purchase price, (f) the total number of shares owned by the sellers (or transferors), the purchasers (or transferees) and the beneficial owners both immediately before and after the transaction, and in the case of a loan, (g) the name of the borrower, (h) the amount of the loan, and (i) the name of the bank issuing the stock securing the loan and the number of shares securing the loan. In addition to the foregoing, such reports shall contain such other information as may be available to inform the appropriate Federal banking agency of the effect of the transaction upon control of the bank whose stock is involved.

“(4) Whenever such a change as described in paragraph (1) of this subsection occurs, each insured bank shall report promptly to the appropriate Federal banking agency any changes or replacement of its chief executive officer or of any director occurring in the next twelve-month period, including in its report a statement of the past and current business and professional affiliations of the new chief executive officer or directors.

“(5) The Comptroller of the Currency shall immediately furnish to the Board of Governors of the Federal Reserve System and to the Federal Deposit Insurance Corporation a copy of any such report required in this subsection and received by him, and the Board of Governors of the Federal Reserve System shall immediately furnish to the Federal Deposit Insurance Corporation a copy of any such report required in this subsection and received by it.

Report.

“(6) As used in this section, the term ‘appropriate Federal banking agency’ shall mean (a) the Comptroller of the Currency in the case of a national banking association or a district bank, (b) the Board of Governors of the Federal Reserve System in the case of a State member insured bank (except a district bank), and (c) the Federal Deposit Insurance Corporation in the case of a State nonmember insured bank (except a district bank).”

“Appropriate Federal banking agency.”

Approved September 12, 1964.

Public Law 88-594

September 12, 1964
[S. J. Res. 49]

JOINT RESOLUTION

Authorizing the Secretary of the Interior to carry out a continuing program to reduce nonbeneficial consumptive use of water in the Pecos River Basin, in New Mexico and Texas.

Pecos River
Basin.
N. Mex. and Tex.
Water supply.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to prevent further decreases in the supply of water in the Pecos River Basin, and in order to increase and protect such water supply for municipal, industrial, irrigation, and recreational uses, and for the conservation of fish and wildlife, and to provide protection for the farmlands in such basin from the hazards of floods, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized and directed to take such measures as he deems necessary and appropriate to carry out a continuing program to reduce the nonbeneficial consumption of water in the basin, including that by salt cedar and other undesirable phreatophytes. Such program shall be carried out in the Pecos River Basin from its headwaters in New Mexico to the town of Girvin, Texas: *Provided, however,* That no money shall be appropriated for and no work commenced on the clearing of the floodway authorized by the Act of February 20, 1958 (72 Stat. 17), unless provision shall have been made to replace any Carlsbad Irrigation District terminal storage which might be lost by the clearing of said floodway.

Conditions.

SEC. 2. As a condition to undertaking the program authorized by the first section of this joint resolution, the Secretary shall require the States of New Mexico and Texas to give such assurances as he deems adequate that such States will acquire such lands, easements, rights-of-way, and other interests in lands as the Secretary considers necessary effectively to carry out such program.

SEC. 3. (a) As a further condition to undertaking the program authorized by this joint resolution, the Secretary may, with respect to those beneficiaries in New Mexico and Texas which the Secretary determines to be likely to benefit directly from the results of such program, require such commitments as he deems appropriate that such beneficiaries will repay the United States so much of the reimbursable costs incurred by it in carrying out such program as do not exceed the value of the benefits accruing to such beneficiaries from such program. The Secretary shall not require the repayment of such costs unless he determines that it is feasible (1) to identify the beneficiaries that are directly benefited by the program, and (2) to measure the extent to which each beneficiary is benefited by such program.

(b) Repayment contracts entered into pursuant to the provisions of this section shall be subject to such terms and conditions as the Secretary may prescribe, except that the amount of the repayment installment and total obligation in the case of any beneficiary shall be fixed by the Secretary in accordance with the ability of such beneficiary to pay, taking into consideration all other financial obligations of such beneficiary.

(c) Any costs of the program which the Secretary determines are properly allocable to flood control, fish and wildlife conservation and development, recreation, or restoration of streamflow shall be considered as nonreimbursable costs.

(d) In conducting the program, the Secretary shall take such measures as may be necessary to insure that there will be no interference with regular streamflow, no contamination of water, and the least possible hazard to fish and wildlife resources.

SEC. 4. Nothing contained in this joint resolution shall be construed to abrogate, amend, modify, or be in conflict with any provisions of the Pecos River compact.

SEC. 5. There is hereby authorized to be appropriated not more than \$2,500,000 for the initial eradication or suppression of salt cedar and other undesirable phreatophytes on lands within the area to which this joint resolution applies and, in addition thereto, such further sums as may be necessary to maintain continued control over this land to prevent its reinfestation.

Approved September 12, 1964.

63 Stat. 159.

Appropriation.

Public Law 88-595

AN ACT

To amend section 511(h) of the Merchant Marine Act, 1936, as amended, in order to extend the time for commitment of construction reserve funds.

September 12, 1964
[S. 2995]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso at the end of section 511(h) of the Merchant Marine Act, 1936, as amended, is amended to read as follows: "*Provided*, That until January 1, 1965, in addition to the extensions hereinbefore permitted, further extensions may be granted ending not later than December 31, 1965."

Vessels.
Construction
reserve funds.
77 Stat. 470.
46 USC 1161.

SEC. 2. The amendment made by the first section of this Act shall take effect December 31, 1964, or on the date of enactment of this Act, whichever date first occurs.

Approved September 12, 1964.

Public Law 88-596

AN ACT

For the relief of the State of New Mexico.

September 15, 1964
[H. R. 4786]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of New Mexico is relieved of liability to pay to the United States the sum of \$46,981.32, representing the amount by which the Department of the Army has determined the State to be liable on account of certain property of the United States which was destroyed, damaged, or lost as a result of a fire which occurred on May 30, 1954, at Clayton, New Mexico. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

Approved September 15, 1964.

New Mexico.
Relief.

Public Law 88-597

September 15, 1964
[S. 935]

AN ACT

To protect the constitutional rights of certain individuals who are mentally ill, to provide for their care, treatment, and hospitalization, and for other purposes.

District of
Columbia Hospital-
ization of the
Mentally Ill Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "District of Columbia Hospitalization of the Mentally Ill Act".

DEFINITIONS

SEC. 2. As used in this Act—

(1) the term "mental illness" means any psychosis or other disease which substantially impairs the mental health of an individual;

(2) the term "mentally ill person" means any person who has a mental illness, but shall not include a person committed to a private or public hospital in the District of Columbia by order of the court in a criminal proceeding;

(3) The term "physician" means an individual licensed under the laws of the District of Columbia to practice medicine, or an individual who practices medicine in the employment of the Government of the United States or of the District of Columbia;

(4) the term "private hospital" means any nongovernmental hospital or institution, or part thereof, in the District of Columbia, equipped and qualified to provide inpatient care and treatment for any individual suffering from a physical or mental illness;

(5) the term "public hospital" means any hospital or institution, or part thereof, in the District of Columbia, owned and operated by the Government of the United States or of the District of Columbia, equipped and qualified to provide inpatient care and treatment for any individual suffering from a physical or mental illness;

(6) the term "administrator" means an individual in charge of a public or private hospital or his delegate; and

(7) the term "chief of service" means the physician charged with overall responsibility for the professional program of care and treatment in the particular administrative unit of the hospital to which the patient has been admitted or such other member of the medical staff as shall be designated by the chief of service.

COMMISSION ON MENTAL HEALTH

Appointment of
members.

SEC. 3. The United States District Court for the District of Columbia (hereinafter referred to as the "court") is authorized to appoint a Commission on Mental Health, composed of nine members. One member shall be a member of the bar of such court, who has engaged in active practice of law in the District of Columbia for a period of at least five years prior to his appointment. He shall be the Chairman of the Commission and act as the administrative head of the Commission and its staff. He shall preside at all hearings and direct all of the proceedings before the Commission. He shall devote his entire time to the work of the Commission. Eight members of the Commission shall be physicians who have been practicing medicine in the District of Columbia and who have had not less than five years'

experience in the diagnosis and treatment of mental illnesses. Each member of the Commission shall hold office for four years, the appointments of physician members to be staggered. The physician members shall serve on a part-time basis and shall be rotated by assignment of the chief judge of the court, so that at any one time the Commission shall consist of the Chairman and two physician members. Physician members of the Commission may practice their profession during their tenure of office, but may not participate in the disposition of the case of any person in which they have rendered professional service or advice. The court shall also appoint an alternate lawyer member who shall have the same qualifications as the lawyer member of the Commission and who shall serve on a part-time basis and act as Chairman in the absence of the permanent Chairman. The salaries of the members of the Commission and its employees shall be fixed in accordance with the provisions of the Classification Act of 1949, as amended. The alternate Chairman shall be paid on a per diem basis at the same rate of compensation as fixed for the permanent Chairman. It shall be the duty of the Commission on Mental Health to examine alleged mentally ill persons, inquire into their affairs and the affairs of persons who may be legally liable for their support, and to make reports and recommendations to the court. Except as otherwise provided in this Act, the Commission may conduct its examinations and hearings either at the courthouse or elsewhere at its discretion. The court may issue subpoenas at the request of the Commission returnable before the Commission, for the appearance of the alleged mentally ill person, witnesses, and persons who may be liable for the support of the mentally ill person. The Commission, or any of the members thereof, shall be competent and compellable witnesses at any trial, hearing, or other proceeding conducted pursuant to this Act and the physician-patient privilege shall not be applicable.

Ante, p. 400.

VOLUNTARY HOSPITALIZATION

SEC. 4. (a) Any individual may apply to any public or private hospital in the District of Columbia for admission to such hospital as a voluntary patient for the purposes of observation, diagnosis, and care and treatment of a mental illness. Upon the request of any such individual eighteen years of age or over (or in the case of any individual under eighteen years of age, upon a request made by his spouse, parent, or legal guardian), the administrator of a public hospital shall, if an examination by an admitting psychiatrist at such public hospital reveals the need for such hospitalization, and the administrator of a private hospital may, admit any such individual as a voluntary patient to such hospital for observation, diagnosis, and care and treatment of a mental illness in accordance with the provisions of this Act.

(b) Any voluntary patient admitted to any hospital pursuant to this section shall, if he is eighteen years of age or over, be entitled at any time to obtain his release from such hospital by filing a written request with the chief of service. The chief of service shall, within a period of forty-eight hours after the receipt of any such request (unless such period shall expire on a Saturday, Sunday, or legal holiday, then not later than noon of the next succeeding day which is not a Saturday, Sunday, or legal holiday), release the voluntary patient making such request. In the case of any voluntary patient under the age of eighteen years, the chief of service shall release such patient, according to the provisions of this section, upon the written request of his spouse, parent, or legal guardian. The chief of service may release any voluntary patient hospitalized pursuant to this section whenever he determines that such patient has recovered or that his continued hospitalization is no longer beneficial to him or advisable.

HOSPITALIZATION OF NONPROTESTING PERSONS

SEC. 5. (a) A friend or relative of an individual believed to be suffering from a mental illness may make application on behalf of that individual to the admitting psychiatrist of any hospital by presenting the individual, together with a referral from a practicing physician. Such individual may be accepted for examination and treatment by any private hospital and shall be accepted for examination and treatment by any public hospital if, in the judgment of the admitting psychiatrist, the need for such is indicated on the basis of the individual's mental condition and such individual signs a statement at the time of such admission stating that he does not object to hospitalization. Such statement shall contain in simple, nontechnical language the fact that the individual is to be hospitalized and a description of the right to release set out in subsection (b) of the section. The admitting psychiatrist may admit such an individual without referral from a practicing physician if the need for an immediate admission is apparent to the admitting psychiatrist upon preliminary examination.

(b) Any person hospitalized under the provisions of subsection (a) of this section shall be immediately released upon his written request unless proceedings for hospitalization under court order pursuant to section 7 have been initiated.

EMERGENCY HOSPITALIZATION

SEC. 6. (a) Any duly accredited officer or agent of the Department of Public Health of the District of Columbia, or any officer authorized to make arrests in the District of Columbia, or the family physician of the individual in question, who has reason to believe that an individual is mentally ill and, because of such illness, is likely to injure himself or others if he is not immediately detained may, without a warrant, take such individual into custody, transport him to a public or private hospital, and make application for his admission thereto for purposes of emergency observation and diagnosis. Such application shall reveal the circumstances under which the individual was taken into custody and the reasons therefor.

(b) Subject to the provisions of subsection (c) of this section, the administrator of any private hospital, may, and the administrator of any public hospital shall, admit and detain for purposes of emergency observation and diagnosis any individual with respect to whom such application is made, if such application is accompanied by a certificate of a psychiatrist on duty at such hospital stating that he has examined the individual and is of the opinion that he has symptoms of a mental illness and, as a result thereof, is likely to injure himself or others unless he is immediately hospitalized; not later than twenty-four hours after the admission pursuant to this section of any individual to a hospital, the administrator of such hospital shall serve notice of such admission, by registered mail, to the spouse, parent, or legal guardian of such individual and to the Commission on Mental Health.

(c) No individual admitted to any hospital under subsection (b) of this section shall be detained in such hospital for a period in excess of forty-eight hours from the time of his admission (unless such period shall expire on a Saturday, Sunday, or legal holiday, then not later than noon of the next succeeding day which is not a Saturday, Sunday, or legal holiday) unless the administrator of such hospital has, within such period, filed a written petition with the court for an order authorizing the continued hospitalization of such individual for emergency observation and diagnosis for a period not to exceed seven days from the time such order is entered.

(d) The court shall, within a period of twenty-four hours after the receipt by it of such petition (unless such period shall expire on a Saturday, Sunday, or legal holiday, then not later than noon of the next succeeding day which is not a Saturday, Sunday, or legal holiday) either order the hospitalization of such individual for emergency observation and a diagnosis for a period of not to exceed seven days from the time such order is entered, or order his immediate release. In making its determination, the court shall consider the written reports of the agent, officer, or physician who made the application under subsection (b) of this section, the certificate of the examining psychiatrist which accompanied it, and any other relevant information.

(e) Any individual whose continued hospitalization is ordered under subsection (d) of this section shall be entitled upon his request to a hearing before the court entering such order. Any such hearing so requested shall be held within a period of twenty-four hours after receipt of such request (unless such period shall expire on a Saturday, Sunday, or legal holiday, then not later than noon of the next succeeding day which is not a Saturday, Sunday, or legal holiday).

(f) The chief of service of any hospital in which an individual is hospitalized under a court order entered pursuant to subsection (d) of this section shall, within forty-eight hours after such order is entered, have such individual examined by a physician. If the physician, after his examination, certifies that in his opinion the individual is not mentally ill to the extent that he is likely to injure himself or others if not presently detained, the individual shall be immediately released. The chief of service shall, within forty-eight hours after such examination has been completed, send a copy of the results thereof by registered mail to the spouse, parents, attorney, legal guardian, or nearest known adult relative of the individual examined.

(g) Any physician or psychiatrist making application or conducting an examination under this Act shall be a competent and compellable witness at any trial hearing or other proceeding conducted pursuant to this Act and the physician-patient privilege shall not be applicable.

(h) Notwithstanding any other provision of this section, the administrator of any hospital in which an individual is hospitalized under this section may, if judicial proceedings for his hospitalization have been commenced under section 7 of this Act, detain such individual therein during the course of such proceedings.

HOSPITALIZATION UNDER COURT ORDER

SEC. 7. (a) Proceedings for the judicial hospitalization of any individual in the District of Columbia may be commenced by the filing of a petition with the Mental Health Commission by his spouse, parent, or legal guardian, by any physician, duly accredited officer or agent of the Department of Public Health, or by any officer authorized to make arrest in the District of Columbia. Such petition shall be accompanied (1) by a certificate of a physician stating that he has examined the individual and is of the opinion that such individual is mentally ill, and because of such illness is likely to injure himself or others if allowed to remain at liberty, or (2) by a sworn written statement by the petitioner that (A) the petitioner has good reason to believe that such individual is mentally ill and, because of such illness, is likely to injure himself or others if allowed to remain at liberty, and (B) that such individual has refused to submit to examination by a physician.

(b) Within three days after the receipt by it of any petition filed under subsection (a) of this section, the Commission shall send a copy of such petition by registered mail to the individual with respect to whom it was filed.

(c) The Commission shall promptly examine any individual alleged to be mentally ill after the filing of a petition provided by subsection (a) of this section and shall thereafter promptly hold a hearing on the issue of his mental illness. Such hearing shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the mental health of the individual named in such petition. In conducting such hearing, the Commission shall hear testimony of any person whose testimony may be relevant and shall receive all relevant evidence which may be offered. Any individual with respect to whom a hearing is held under this section shall be entitled, in his discretion, to be present at such hearing, to testify, and to present and cross-examine witnesses. The Commission shall also hold a hearing in order to determine liability under the provisions of subsection (g) of this section for the expenses of hospitalization of the alleged mentally ill person, if it is determined that he is mentally ill and should be hospitalized as provided under this Act. Such hearing may be conducted separately from the hearing on the issue of mental illness. If conducted separately, it may be conducted by the Chairman of the Commission alone.

(d) The alleged mentally ill person shall be represented by counsel in any proceeding before the Commission or the court, and if he fails or refuses to obtain counsel, the court shall appoint counsel to represent him. Any counsel so appointed shall be awarded compensation by the court for his services in an amount determined by it to be fair and reasonable. Such compensation shall be charged against the estate of the individual for whom such counsel was appointed, or against any unobligated funds of the Commission, as the court in its discretion may direct. The Commission or the court, as the case may be, shall, at the request of any counsel so appointed, grant a recess in such proceeding (but not for more than five days) to give such counsel an opportunity to prepare his case.

(e) If the Commission finds, after such hearing, that the individual with respect to whom such hearing was held is not mentally ill or if mentally ill, is not mentally ill to the extent that he is likely to injure himself or others if allowed to remain at liberty, the Commission shall immediately order his release and notify the court of that fact in writing. If the Commission finds, after such hearing, that the individual with respect to whom such hearing was held is mentally ill, and because of such illness is likely to injure himself or others if allowed to remain at liberty, the Commission shall promptly report such fact, in writing, to the United States District Court for the District of Columbia. Such report shall contain the Commission's findings of fact, conclusions of law, and recommendations. Any alleged mentally ill person with respect to whom such report is made shall have the right to demand a jury trial and shall be advised of that right by the Commission orally and in writing. A copy of the report of the Commission shall be served personally on the alleged mentally ill person and his attorney.

(f) Upon the receipt by the court of any such report referred to in subsection (e), the court shall promptly set the matter for hearing and shall cause a written notice of the time and place of the final hearing to be served personally upon the individual with respect to whom such report was made and his attorney, together with notice that he has five days following the date on which he is so served within which to demand a jury trial. Any such demand may be made by such individual or by anyone in his behalf. If a jury trial is demanded within such five-day period, it shall be accorded by the court with all reasonable speed. If no timely demand is made for such trial, the court shall determine such individual's mental condition on the basis of the report of the Commission, or on such further evidence in addi-

tion to such report as the court may require. If the court or jury (as the case may be) finds that such individual is not mentally ill, the court shall dismiss the petition and order his release. If the court or jury (as the case may be) finds that such individual is mentally ill and, because of that illness, is likely to injure himself or others if allowed to remain at liberty, the court may order his hospitalization for an indeterminate period, or order any other alternative course of treatment which the court believes will be in the best interests of such individual or of the public. The Commission, or any member thereof, shall be competent and compellable witnesses at any hearing or jury trial held pursuant to this Act. The jury to be used in any case where a jury trial is demanded under this Act shall be impaneled, upon order of the court, from the jurors in attendance upon other branches of the court, who shall perform such services in addition to and as part of their duties in such court.

(g) The father, mother, husband, wife, and adult children of a mentally ill person, if of sufficient ability, and the estate of such mentally ill person, if such estate is sufficient for the purpose, shall pay the cost to the District of Columbia of such mentally ill person's maintenance, including treatment, in any hospital in which such person is hospitalized under this Act. It shall be the duty of the Commission to examine, under oath, the father, mother, husband, wife, and adult children of any alleged mentally ill person whenever such relatives live within the District of Columbia, and to ascertain the ability of such relatives or estate to maintain or contribute toward the maintenance of such mentally ill person; except that in no case shall such relatives or estate be required to pay more than the actual cost to the District of Columbia of maintenance of such alleged mentally ill person. If any individual hereinabove made liable for the maintenance of a mentally ill person shall fail so to provide or pay for such maintenance, the court shall issue to such individual a citation to show cause why he should not be adjudged to pay a portion or all of the expenses of maintenance of such patient. The citation shall be served at least ten days before the hearing thereon. If, upon such hearing, it shall appear to the court that the mentally ill person has not sufficient estate out of which his maintenance may properly be fully met and that he has relatives of the degree hereinabove referred to who are parties to the proceedings, and who are able to contribute thereto, the court may make an order requiring payment by such relative of such sum or sums as it may find they are reasonably able to pay and as may be necessary to provide for the maintenance and treatment of such mentally ill person. Such order shall require the payment of such sums to the District of Columbia treasurer annually, semiannually, quarterly, or monthly as the court may direct. It shall be the duty of the treasurer to collect such sums due under this section, and to turn the same into the Treasury of the United States to the credit of the District of Columbia. Any such order may be enforced against any property of the mentally ill person or of the individual liable or undertaking to maintain him in the same way as if it were an order for temporary alimony in a divorce case.

(h) No petition, application, or certificate authorized under sections 6(a) and 7(a) of this Act may be considered if made by a physician who is related by blood or marriage to the alleged mentally ill person, or who is financially interested in the hospital in which the alleged mentally ill person is to be detained, or, except in the case of physicians employed by the United States or the District of Columbia, who are professionally or officially connected with such hospital. No such petition, application, or certificate of any physician shall be considered unless it is based on personal observation and examination of the

alleged mentally ill person made by such physician not more than seventy-two hours prior to the making of the petition, application, or certificate. Such certificate shall set forth in detail the facts and reasons on which such physician based his opinions and conclusions.

PERIODIC EXAMINATION AND RELEASE

SEC. 8. (a) Any patient hospitalized pursuant to a court order obtained under section 7 of this Act, or his attorney, legal guardian, spouse, parent, or other nearest adult relative, shall be entitled, upon the expiration of ninety days following such order and not more frequently than every six months thereafter, to request, in writing, the chief of service of the hospital in which the patient is hospitalized, to have a current examination of his mental condition made by one or more physicians. If the request is timely it shall be granted. The patient shall be entitled, at his own expense, to have any duly qualified physician participate in such examination. In the case of any such patient who is indigent, the Department of Public Health shall, upon the written request of such patient, assist him in obtaining a duly qualified physician to participate in such examination in the patient's behalf. Any such physician so obtained by such indigent patient shall be compensated for his services out of any unobligated funds of such Department in an amount determined by it to be fair and reasonable. If the chief of service, after considering the reports of the physicians conducting such examination, determines that the patient is no longer mentally ill to the extent that he is likely to injure himself or others if not hospitalized, the chief of service shall order the immediate release of the patient. However, if the chief of service, after considering such reports, determines that such patient continues to be mentally ill to the extent that he is likely to injure himself or others if not hospitalized, but one or more of the physicians participating in such examination reports that the patient is not mentally ill to such extent, the patient may petition the court for an order directing his release. Such petition shall be accompanied by the reports of the physicians who conducted the examination of the patient.

(b) In considering such petition, the court shall consider the testimony of the physicians who participated in the examination of such patient, and the reports of such physicians accompanying the petition. After considering such testimony and reports, the court shall either (1) reject the petition and order the continued hospitalization of the patient, or (2) order the chief of service to immediately release such patient. Any physician participating in such examination shall be a competent and compellable witness at any trial or hearing held pursuant to this Act.

(c) The chief of service of a public or private hospital shall as often as practicable, but not less often than every six months, examine or cause to be examined each patient admitted to any such hospital pursuant to section 7 of this Act and if he determines on the basis of such examination that the conditions which justified the involuntary hospitalization of such patient no longer exist, the chief of service shall immediately release such patient.

(d) Nothing in this section shall be construed to prohibit any person from exercising any right presently available to him for obtaining release from confinement, including the right to petition for a writ of habeas corpus.

RIGHT TO COMMUNICATION—EXERCISE OF CERTAIN RIGHTS

SEC. 9. (a) Any person hospitalized in a public or private hospital pursuant to this Act shall be entitled (1) to communicate by sealed mail or otherwise with any individual or official agency inside or outside the hospital, and (2) to receive uncensored mail from his attorney or personal physician. All other incoming mail or communications may be read before being delivered to the patient, if the chief of service believes such action is necessary for the medical welfare of the patient who is the intended recipient. However, any mail or other communication which is not delivered to the patient for whom it is intended shall be immediately returned to the sender. But nothing in this section shall prevent the administrator from making reasonable rules regarding visitation hours and the use of telephone and telegraph facilities.

(b) Any person hospitalized in a public hospital for a mental illness shall, during his hospitalization, be entitled to medical and psychiatric care and treatment. The administrator of each public hospital shall keep records detailing all such care and treatment received by any such person and such records shall be made available, upon that person's written authorization, to his attorney or personal physician. Such records shall be preserved by the administrator until such person has been discharged from the hospital.

(c) No mechanical restraint shall be applied to any patient hospitalized in any public or private hospital for a mental illness unless the use of restraint is prescribed by a physician and, if so prescribed, such restraint shall be removed whenever the condition justifying its use no longer exists. Any use of a mechanical restraint, together with the reasons therefor, shall be made a part of the medical record of the patient.

(d) No patient hospitalized pursuant to this Act shall, by reason of such hospitalization, be denied the right to dispose of property, execute instruments, make purchases, enter into contractual relationships, vote, and hold a driver's license, unless such patient has been adjudicated incompetent by a court of competent jurisdiction and has not been restored to legal capacity. If the chief of service of the public or private hospital in which any such patient is hospitalized is of the opinion that such patient is unable to exercise any of the aforementioned rights, the chief of service shall immediately notify the patient and the patient's attorney, legal guardian, spouse, parents, or other nearest known adult relative, and the United States District Court for the District of Columbia, the Commission on Mental Health, and the Board of Commissioners of the District of Columbia of that fact.

(e) Any individual in the District of Columbia who, by reason of a judicial decree ordering his hospitalization entered prior to the date of the enactment of this Act, is considered to be mentally incompetent and is denied the right to dispose of property, execute instruments, make purchases, enter into contractual relationships, vote, or hold a driver's license solely by reason of such decree, shall, upon the expiration of the one-year period immediately following such date of enactment, be deemed to have been restored to legal capacity unless, within such one-year period, affirmative action is commenced to have such individual adjudicated mentally incompetent by a court of competent jurisdiction.

(f) Any patient, and the patient's spouse, parents, or other nearest known adult relative, shall receive, upon admission of the patient to the hospital, a written statement outlining in simple, nontechnical language all release procedures provided by this Act, setting out all

rights accorded to patients by this Act, and describing procedures provided by law for adjudication of incompetency and appointment of trustees or committees for the hospitalized individual.

VETERANS' ADMINISTRATION FACILITIES

SEC. 10. Nothing in this Act shall be construed to require the admission of any individual to any Veterans' Administration or military hospital facility unless such individual is otherwise eligible for care and treatment in such facility.

PENALTIES

SEC. 11. (a) Any individual who, (1) without probable cause for believing a person to be mentally ill, causes or conspires with or assists another to cause the hospitalization of any such person under this Act, or (2) causes or conspires with or assists another to cause the denial to any person of any right accorded to him under this Act, shall be punished by a fine not exceeding \$5,000 or imprisonment not exceeding three years, or both.

(b) Any individual who, without probable cause for believing a person to be mentally ill, executes a petition, application, or certificate pursuant to this Act, by which such individual secures or attempts to secure the apprehension, hospitalization, detention, or restraint of any such person, or any physician or psychiatrist who knowingly makes any false certificate or application pursuant to this Act as to the mental condition of any person, shall be punished by a fine not exceeding \$5,000 or imprisonment not exceeding three years, or both.

NONRESIDENT

SEC. 12. If an individual ordered committed to a public hospital by the court pursuant to subsection (f) of section 7 is found by the Commission, subject to a review by the court, not to be a resident of the District of Columbia, and to be a resident of another place, he shall be transferred to the State of his residence if an appropriate institution of that State is willing to accept him. If the person be an indigent, the expense of transferring him, including the traveling expenses of necessary attendants, shall be borne by the District of Columbia. For the purposes of this section, a "resident of the District of Columbia" means an individual who has maintained his principal place of abode in the District of Columbia for more than one year immediately prior to the filing of the petition referred to in subsection (a) of section 7 of this Act.

WITNESS FEES

SEC. 13. Witnesses subpoenaed under the provisions of this Act shall be paid the same fees and mileage as are paid to witnesses in the courts of the United States.

NOT TO BE CONFINED IN JAIL

SEC. 14. No person apprehended, detained, or hospitalized under any provision of this Act, shall be confined in jail or in any penal or correctional institution.

FORMS

SEC. 15. All applications and certificates for the hospitalization of any individual in the District of Columbia under this Act shall be made on forms approved by the Commission and furnished by it.

SURETY

SEC. 16. The court in its discretion may require any petitioner under section 7 of this Act to file an undertaking with surety to be approved by the court in such amount as the court may deem proper, conditioned to save harmless the respondent by reason of costs incurred, including attorney's fees, if any, and damages suffered by the respondent, as a result of any such action.

INDIVIDUALS PREVIOUSLY HOSPITALIZED

SEC. 17. The provisions of sections 8, 9, 12, 14, 15, and 16 of this Act shall be applicable to any person who, on or after the date of the enactment of this Act, is a patient in a hospital in the District of Columbia by reason of having been declared insane or of unsound mind pursuant to a court order entered in a noncriminal proceeding prior to such date of enactment; except that any request for an examination authorized under section 8 may be made by such person, or his attorney, legal guardian, spouse, parent, or other nearest adult relative, after the expiration of the thirty-day period following the date of the enactment of this Act and not more frequently than every six months thereafter.

APPOINTMENT OF CONSERVATORS

SEC. 18. The first section of the Act of October 24, 1951 (65 Stat. 608), is amended by adding after "mental weakness (not amounting to unsoundness of mind)" the following: "mental illness (as such term is defined in the District of Columbia Hospitalization of the Mentally Ill Act)."

D.C. Code 21-501.

ACTS REPEALED

SEC. 19. (a) Except as otherwise provided in subsection (b) of this section, the Act entitled "An Act to provide for insanity proceedings in the District of Columbia", approved June 8, 1938 (52 Stat. 625), as amended, and the Act entitled "An Act to provide for insanity proceedings in the District of Columbia", approved August 9, 1939 (53 Stat. 1293), as amended, are repealed.

D.C. Code 21-308.

(b) The repeal of the Act of June 8, 1938, and of the Act of August 9, 1939, shall not be construed to affect (1) any action or proceeding brought or existing on the date immediately preceding the date of the enactment of this Act, or (2) any liability incurred by any person for the payment of the costs of maintenance and treatment of an insane or incompetent person hospitalized in the District of Columbia prior to the date of the enactment of this Act, and any such action or proceeding shall be heard and determined and such liability continued in accordance with the provisions of such Acts in the same manner and to the same extent as if they had not been repealed.

D.C. Code 21-310
to 21-318, 21-320
to 21-325.

(c) The Act entitled "An Act to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes", approved April 27, 1904 (33 Stat. 316), is hereby repealed.

D.C. Code 21-326,
327, 330.
D.C. Code 21-319,
332, 333.

(d) Sections 4849, 4856, and 4857 of the Revised Statutes are hereby repealed.

(e) Sections 115(b), 115(c), 115(d), and 115(e), of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1189), as amended, are hereby repealed. Nothing in this subsection shall be construed to affect any

D.C. Code 21-301,
21-303 to 21-305.

action taken prior to the date of the enactment of this Act pursuant to any of the aforementioned subsections repealed by this subsection.

(f) The last sentence of section 1 of the Act of February 23, 1905 (33 Stat. 740), as amended (D.C. Code, sec. 21-307), is hereby repealed.

(g) The Act of March 3, 1927 (44 Stat. 1383; D.C. Code, sec. 21-302), is hereby repealed.

D.C. Code 32-414.

(h) Sections 1, 2, and 3 of the Act of June 22, 1948 (62 Stat. 572), as amended (D.C. Code, sec. 32-412-413), are hereby repealed.

62 Stat. 549.
D.C. Code 32-401a.

(i) The two provisos in the fifth paragraph under the heading "Public Welfare" in the District of Columbia Appropriations Act, 1949, are hereby repealed.

CONTINUANCE OF COMMISSION ON MENTAL HEALTH

SEC. 20. The Commission on Mental Health to which reference is made in section 3 of this Act is the Commission established by the Act of June 8, 1938 (52 Stat. 625), as amended. Nothing contained in any amendment made by this Act shall be construed to affect or impair the existence of the Commission so established, or to alter the pay or the terms of office of the members of such Commission serving as such on the day preceding the date of enactment of this Act.

Approved September 15, 1964.

Public Law 88-598

AN ACT

September 18, 1964
[S. 1186]

To amend the Act authorizing the Crooked River Federal reclamation project to provide for the irrigation of additional lands.

Crooked River
Federal reclama-
tion project, Oreg.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to authorize construction by the Secretary of the Interior of the Crooked River Federal reclamation project, Oregon", approved August 6, 1956 (70 Stat. 1058), as amended, is amended by inserting immediately before the period at the end of the first sentence of such section the following: "and the Crooked River project extension, together referred to hereafter as the project. The principal new works for the project extension shall include six pumping plants, canals, and related distribution and drainage facilities".

Appropriation.

SEC. 2. There are hereby authorized to be appropriated for construction of the new works involved in the Crooked River project extension \$1,132,000, plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes and, in addition thereto, such sums as may be required to operate and maintain said extension.

SEC. 3. Supplemental power and energy required for irrigation water pumping for the project shall be made available by the Secretary of the Interior from the Federal Columbia River power system at charges determined by him.

Approved September 18, 1964.

Public Law 88-599

AN ACT

September 18, 1964
[S. 2447]

To authorize the Secretary of the Interior to construct, operate, and maintain the Whitestone Coulee unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Washington, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of furnishing a new and a supplemental water supply for the irrigation of approximately two thousand five hundred and fifty acres of land in Okanogan County, Washington, for the purpose of undertaking the rehabilitation and betterment of existing works serving a major portion of these lands, and for conservation and development of fish and wildlife resources and improvement of public recreation facilities, the Secretary of the Interior is authorized to construct, operate, and maintain the Whitestone Coulee unit of the Okanogan-Similkameen division of the Chief Joseph Dam project, in accordance with the provisions of the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal works of the unit shall consist of: facilities to permit enlargement and utilization of Spectacle Lake storage; related canal and conduits, diversion dam, pumping plants, and distribution systems; and necessary works incidental to the rehabilitation and expansion of the existing irrigation system.

Whitestone Coulee unit, Chief Joseph Dam project, Wash. Construction.

43 USC 371 note.

SEC. 2. The provisions of section 2 of the Act of July 27, 1954 (68 Stat. 568, 569), shall be applicable to the Whitestone Coulee unit of the Okanogan-Similkameen division of the Chief Joseph Dam project. The term "construction costs" used therein shall include any irrigation operation, maintenance, and replacement costs during the development period which the Secretary finds it proper to fund because they are beyond the ability of the water users to pay during that period.

"Construction costs."

SEC. 3. (a) The Secretary is authorized as a part of the Whitestone Coulee unit to construct, operate, and maintain or otherwise provide for basic public outdoor recreation facilities, to acquire or otherwise to include within the unit area such adjacent lands or interests therein as are necessary for public recreation use, to allocate water and reservoir capacity to recreation, and to provide for public use and enjoyment of unit lands, facilities, and water areas in a manner coordinated with the other unit purposes. The Secretary is authorized to enter into agreements with Federal agencies or State or local public bodies for the operation, maintenance, and additional development of unit lands or facilities, or to dispose of unit lands or facilities to Federal agencies or State or local public bodies by lease, transfer, exchange, or conveyance, upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes. The costs of the aforesaid undertakings, including costs of investigation, planning, Federal operation and maintenance, and an appropriate share of the joint costs of the unit, shall be nonreimbursable. Nothing herein shall limit the authority of the Secretary granted by existing provisions of law relating to recreation development of water resources projects or the disposition of public lands for recreational purposes.

(b) The costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be considered as project costs and allocated as may be appropriate among the project functions.

Project costs.

Appropriation.

SEC. 4. There are hereby authorized to be appropriated for construction of the new works involved in the Whitestone Coulee unit, of the Okanogan-Similkameen division of the Chief Joseph Dam project \$5,312,000, plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indices and, in addition thereto, such sums as may be required to operate and maintain said division.

Approved September 18, 1964.

Public Law 88-600

AN ACT

September 18, 1964
[S. 2370]

Authorizing maintenance of flood and arroyo sediment control dams and related works to facilitate Rio Grande canalization project and authorizing appropriations for that purpose.

Rio Grande canalization project.
Flood and sediment control.
Agreements authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of facilitating and implementing operation and maintenance of the international Rio Grande canalization project, the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized to enter into agreements with the appropriate official or officials of local organizations, as defined in the Watershed Protection and Flood Prevention Act of August 4, 1954 (70 Stat. 1088), as amended (16 U.S.C.A. 1001, et seq.), for the maintenance by said local organizations either directly or indirectly through mutually satisfactory maintenance agreements with others, including the United States, of all those flood and arroyo sediment control dams, together with all related works, hereafter installed or constructed in the Rio Grande watershed between Caballo Dam and El Paso, Texas, in accordance with said Act, and which are necessary, in the opinion of said Commissioner, to facilitate and implement the operation and maintenance of said project.

Such maintenance agreements between the local organization and the United States shall provide the extent of contribution by the United States as may be mutually agreed by the two parties, based on the degree of benefits to be derived from said dams and related works, and the contribution by the United States may be either in the form of funds or performance of the actual operation and maintenance.

Control gates shall not be installed on any of the dams which, in the opinion of the United States Commissioner, International Boundary and Water Commission, United States and Mexico, are necessary to facilitate and implement the operation and maintenance of the Rio Grande canalization project.

Arrangements made between the United States and the local organizations shall be satisfactory to the Secretary of Agriculture for defraying cost of maintaining such work of improvement in accordance with regulations prescribed by said Secretary.

Appropriation.

There is hereby authorized to be appropriated not in excess of \$23,000 per annum for contributions to maintenance authorized by this Act.

Approved September 18, 1964.

Public Law 88-601

AN ACT

To authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes.

September 18, 1964
[H. R. 3396]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve for the benefit and inspiration of the public certain lands historically associated with the winter encampment of General George Washington's Continental Army at Jockey Hollow in 1779 and 1780, and to facilitate the administration and interpretation of the Morristown National Historical Park, the Secretary of the Interior is authorized to procure by purchase, donation, purchase with appropriated funds, or otherwise, not to exceed two hundred and eighty-one acres of land and interests therein which two hundred and eighty-one acres shall include Stark's Brigade campsite and other lands necessary for the proper administration and interpretation of the Morristown National Historical Park.

Morristown Na-
tional Historical
Park, N.J.
Additional
lands.

SEC. 2. Lands acquired pursuant to this Act, unless exchanged pursuant to section 1 hereof, shall constitute a part of the Morristown National Historical Park, and be administered in accordance with the laws and regulations applicable to such park.

SEC. 3. There are authorized to be appropriated such sums, but not more than \$281,000 for acquisition of lands and interests in land, as may be necessary to carry out the purposes of this Act.

Appropriation.

Approved September 18, 1964.

Public Law 88-602

AN ACT

Granting the consent of Congress to an amendment to The Breaks Interstate Park compact between the Commonwealths of Virginia and Kentucky.

September 18, 1964
[H. R. 11162]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to an amendment to The Breaks Interstate Park compact between the Commonwealths of Virginia and Kentucky, originally consented to by the Act of July 27, 1954 (68 Stat. 571; Public Law 543, Eighty-third Congress), as that amendment was approved (1) by the Commonwealth of Virginia by chapter 292, Acts of Assembly, 1964, approved March 31, 1964, and (2) by the Commonwealth of Kentucky by an act of the general assembly approved March 19, 1964 (house bill numbered 413, regular session, 1964, General Assembly, Commonwealth of Kentucky), by which amendment the last sentence of article III of said compact is made to read: "Each Commonwealth agrees that it will authorize the Commission to exercise the right of eminent domain to acquire property located within each Commonwealth required by the Commission to effectuate the purposes of this compact."

Breaks Inter-
state Park com-
pact, Virginia-
Kentucky, amend-
ment.

SEC. 2. The right to alter, amend, or repeal the provisions of this Act is hereby expressly reserved.

Approved September 18, 1964.

Public Law 88-603

AN ACT

September 18, 1964
[H. R. 6601]

To authorize the Secretary of Agriculture to sell certain land in Grand Junction, Colorado, and for other purposes.

Grand Junction,
Colo.
Sale of lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to convey by quitclaim deed, for not less than fair market value, all right, title, and interest of the United States in and to lots 23 and 24, block 119, in the city of Grand Junction, Colorado, and the improvements thereon and to apply the proceeds of such sale to the purchase of other land in or near Grand Junction and the construction thereon of similar improvements; but no commitment to apply the proceeds in any manner shall be made unless at least 60 days prior to the making of such commitment the Secretary of Agriculture shall have advised the chairman of the Committee on Agriculture of the House of Representatives and the chairman of the Committee on Agriculture and Forestry of the Senate in writing of the facts concerning the proposed application.

Approved September 18, 1964.

Public Law 88-604

AN ACT

September 18, 1964
[H. R. 7096]

To authorize the exchange of certain property at Independence National Historical Park, and for other purposes.

Independence Na-
tional Historical
Park, Phila., Pa.
Land exchange.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to convey on behalf of the United States a certain tract of land, or any interest therein, being a portion of Independence National Historical Park project B, embracing fifteen thousand six hundred and fifty square feet, more or less, and situate on the northeast corner of South Fifth Street and Marshall Court (formerly Manning Street), city of Philadelphia, Pennsylvania, together with the improvements thereon, to the Redevelopment Authority of the City of Philadelphia in exchange for property, or interest therein, owned by the authority of approximately equal value and which the Secretary deems necessary for use in connection with the Independence National Historical Park. Property conveyed by the Secretary pursuant to this Act shall thereupon cease to be a part of the park, and the property acquired in exchange therefor shall thereafter be a part of the park, subject to all the laws and regulations applicable to the park.

Approved September 18, 1964.

Public Law 88-605

AN ACT

Making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1965, and for other purposes.

September 19, 1964
[H. R. 10809]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1965, and for other purposes, namely:

Departments of
Labor, and Health,
Education, and
Welfare Appropri-
ation Act, 1965.

TITLE I—DEPARTMENT OF LABOR

Department of
Labor Appropri-
ation Act, 1965.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the work of the Bureau of Labor Statistics, including advances or reimbursement to State, Federal, and local agencies and their employees for services rendered, \$17,925,000.

BUREAU OF INTERNATIONAL LABOR AFFAIRS

SALARIES AND EXPENSES

For expenses necessary for the conduct of international labor affairs, \$856,000.

MANPOWER ADMINISTRATION

MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES

For expenses necessary to carry into effect the Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2571-2620), and for the performance of the functions of the Secretary in the fields of automation and manpower, \$307,906,000.

76 Stat. 23.

AREA REDEVELOPMENT ACTIVITIES

For expenses necessary to carry into effect sections 16 and 17 of the Area Redevelopment Act (Public Law 87-27), including grants or reimbursements to States, \$8,500,000.

75 Stat. 58.
42 USC 2513,
2514.

TRADE ADJUSTMENT ACTIVITIES

For necessary expenses to carry out the functions of the Secretary of Labor under the Trade Expansion Act of 1962, \$344,000.

76 Stat. 872.
19 USC 1801
note.

BUREAU OF APPRENTICESHIP AND TRAINING

For expenses necessary to enable the Secretary to conduct a program of encouraging apprentice training, as authorized by the Acts of March 4, 1913 (5 U.S.C. 611), and August 16, 1937 (29 U.S.C. 50), \$5,541,000.

37 Stat. 736;
50 Stat. 664.

LIMITATION ON SALARIES AND EXPENSES, BUREAU OF EMPLOYMENT
SECURITY

For expenses necessary for the general administration of the employment service and unemployment compensation programs, not more than \$13,325,000 may be expended from the employment security administration account in the Unemployment trust fund, of which \$1,605,000 shall be for carrying into effect the provisions of title IV (except section 602) of the Servicemen's Readjustment Act of 1944.

58 Stat. 293;
72 Stat. 1273.

LIMITATION ON GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION
AND EMPLOYMENT SERVICE ADMINISTRATION

For grants in accordance with the provisions of the Act of June 6, 1933, as amended (29 U.S.C. 49-49n), for carrying into effect section 602 of the Servicemen's Readjustment Act of 1944, for grants to the States as authorized in title III of the Social Security Act, as amended (42 U.S.C. 501-503), including, upon the request of any State, the purchase of equipment, and the payment of rental for space made available to such State in lieu of grants for such purpose, and for expenses not otherwise provided for, necessary for carrying out title XV of the Social Security Act, as amended (68 Stat. 1130), \$455,076,000 may be expended from the employment security administration account in the Unemployment trust fund, and of which \$25,000,000 shall be available only to the extent necessary to meet increased costs of administration resulting from increases in the base salary rate in excess of the rate in the fiscal year 1965 appropriation request, and from changes in a State law or increases in the number of claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant (or the allocation for the District of Columbia) was based, which increased costs of administration cannot be provided for by normal budgetary adjustments: *Provided*, That any portion of the funds granted to a State in the current fiscal year and not obligated by the State in that year shall be returned to the Treasury and credited to the account from which derived: *Provided further*, That such amounts as may be agreed upon by the Department of Labor and the Post Office Department shall be used for the payment, in such manner as said parties may jointly determine, of postage for the transmission of official mail matter in connection with the administration of unemployment compensation systems and employment services by States receiving grants herefrom.

48 Stat. 113.
49 Stat. 626.
72 Stat. 1087.
42 USC 1361-
1371.

Grants to States, next succeeding fiscal year: For making, after May 31 of the current fiscal year, payments to States under title III of the Social Security Act, as amended, and under the Act of June 6, 1933, as amended, for the first quarter of the next succeeding fiscal year, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under such title and under such Act of June 6, 1933, to be charged to the appropriation therefor for that fiscal year: *Provided*, That the payments made pursuant to this paragraph shall not exceed the amount paid to the States for the first quarter of the current fiscal year.

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES AND
EX-SERVICEMEN

For payments to unemployed Federal employees and ex-servicemen, as authorized by title XV of the Social Security Act, as amended, \$126,000,000.

68 Stat. 1130;
72 Stat. 1087.
42 USC 1361-
1371.

Unemployment compensation for Federal employees and ex-servicemen, next succeeding fiscal year: For making, after May 31 of the current fiscal year, payments to States, as authorized by title XV of the Social Security Act, as amended, such amounts as may be required for payment to unemployed Federal employees and ex-servicemen for the first quarter of the next succeeding fiscal year, and the obligations and expenditures thereunder shall be charged to the appropriation therefor for that fiscal year: *Provided*, That the payments made pursuant to this paragraph shall not exceed the amount paid to the States for the first quarter of the current fiscal year.

COMPLIANCE ACTIVITIES, MEXICAN FARM LABOR PROGRAM

For expenses necessary to enable the Department to determine compliance with the provisions of contracts entered into pursuant to the Act of July 12, 1951, as amended, \$800,000.

SALARIES AND EXPENSES, MEXICAN FARM LABOR PROGRAM

For expenses, not otherwise provided for, necessary to carry out the functions of the Department of Labor under the Act of July 12, 1951, as amended (7 U.S.C. 1461-1468), including temporary employment of persons without regard to the civil-service laws, \$800,000, or so much thereof as may be available, shall be derived by transfer from the Farm labor supply revolving fund.

65 Stat. 119;
75 Stat. 761.

LABOR-MANAGEMENT RELATIONS

LABOR-MANAGEMENT SERVICES ADMINISTRATION

For necessary expenses to carry out the provisions of the Welfare and Pension Plans Disclosure Act, as amended (72 Stat. 997), the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 519), expenses of commissions and boards to resolve labor-management disputes and other expenses for improving the climate of labor-management relations, \$7,502,000.

29 USC 301
note.

29 USC 401
note.

BUREAU OF VETERANS' REEMPLOYMENT RIGHTS

For expenses necessary to render assistance in connection with the exercise of reemployment rights under section 8 of the Selective Training and Service Act of 1940, as amended (50 U.S.C. App. 308), the Service Extension Act of 1941, as amended (50 U.S.C. App. 351), the Army Reserve and Retired Personnel Service Law of 1940, as amended (50 U.S.C. App. 401), and section 9 of the Universal Military Training and Service Act (50 U.S.C. App. 459), and the Reserve Forces Act of 1955 (69 Stat. 598), \$791,000.

54 Stat. 890.

55 Stat. 626.

54 Stat. 858.

62 Stat. 614;
75 Stat. 821.

WAGE AND LABOR STANDARDS

BUREAU OF LABOR STANDARDS

63 Stat. 865.
33 USC 941.

For expenses necessary for the promotion of industrial safety, employment stabilization, and amicable industrial relations for labor and industry; performance of safety functions of the Secretary under the Federal Employees' Compensation Act, as amended (5 U.S.C. 784(c)) and the Longshoremen's and Harbor Workers' Compensation Act, as amended (72 Stat. 835); and not less than \$309,300 for the work of the President's Committee on Employment of the Handicapped, as authorized by the Act of July 11, 1949 (63 Stat. 409); \$3,516,000: *Provided*, That no part of the appropriation for the President's Committee shall be subject to reduction or transfer to any other department or agency under the provisions of any existing law; including purchase of reports and of material for informational exhibits.

WOMEN'S BUREAU

41 Stat. 987.

For expenses necessary for the work of the Women's Bureau, as authorized by the Act of June 5, 1920 (29 U.S.C. 11-16), including purchase of reports and material for informational exhibits, \$772,000.

WAGE AND HOUR DIVISION

52 Stat. 1060.
29 USC 201.

49 Stat. 2036.

For expenses necessary for performing the duties imposed by the Fair Labor Standards Act of 1938, as amended, and the Act to provide conditions for the purchase of supplies and the making of contracts by the United States, approved June 30, 1936, as amended (41 U.S.C. 35-45), including reimbursements to State, Federal, and local agencies and their employees for inspection services rendered, \$20,378,000.

EMPLOYEES' COMPENSATION

SALARIES AND EXPENSES, BUREAU OF EMPLOYEES' COMPENSATION

44 Stat. 1444.

For necessary administrative expenses and not to exceed \$113,600 for the Employees' Compensation Appeals Board, \$4,368,000, together with not to exceed \$60,000 to be derived from the fund created by section 44 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (33 U.S.C. 944).

EMPLOYEES' COMPENSATION CLAIMS AND EXPENSES

60 Stat. 696.

For the payment of compensation and other benefits and expenses (except administrative expenses) authorized by law and accruing during the current or any prior fiscal year, including payments to other Federal agencies for medical and hospital services pursuant to agreement approved by the Bureau of Employees' Compensation; continuation of payment of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the advancement of costs for enforcement of recoveries in third-party cases; the furnishing of medical and hospital services and supplies, treatment, and funeral and burial expenses, including transportation and other expenses incidental to such services, treatment, and burial, for such enrollees of the Civilian Conservation Corps as were certified by the Director of such Corps as receiving hospital services and treatment at Government expense on June 30, 1943, and who are not otherwise entitled thereto as civilian employees of the United States, and the limitations and authority of the Act of September 7, 1916, as amended (5 U.S.C. 796), shall apply in providing

39 Stat. 742.
5 USC 751 note.
48 Stat. 351.

such services, treatment, and expenses in such cases and for payments pursuant to sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); \$52,650,000, together with such amount as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to March 31 of the year: *Provided*, That, in the adjudication of claims under section 42 of the said Act of 1916, for benefits payable from this appropriation, authority under section 32 of the Act to make rules and regulations shall be construed to include the nature and extent of the proofs and evidence required to establish the right to such benefits without regard to the date of the injury or death for which claim is made.

62 Stat. 1242.
50 USC app.
2003, 2004.

5 USC 793.
5 USC 783.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For expenses necessary for the Office of the Solicitor, \$4,857,000, together with not to exceed \$132,000 to be derived from the Employment Security Administration account, Unemployment Trust Fund.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For expenses necessary for the Office of the Secretary of Labor, \$3,198,000, together with not to exceed \$139,000 to be derived from the Employment Security Administration account, Unemployment Trust Fund.

This title may be cited as the "Department of Labor Appropriation Act, 1965".

Citation of title.

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Department of
Health, Education,
and Welfare Approp-
riation Act, 1965.

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses not otherwise provided for, of the Food and Drug Administration, including reporting and illustrating the results of investigations; purchase of chemicals, apparatus, and scientific equipment; payment in advance for special tests and analyses and adverse reaction reporting by contract; payment of fees, travel, and per diem in connection with studies of new developments pertinent to food and drug enforcement operations; compensation of informers; payment for publication of technical and informational materials in professional and trade journals; and rental of special purpose space in the District of Columbia or elsewhere; \$39,200,000.

BUILDINGS AND FACILITIES

For construction, alteration, and equipment, of facilities, including acquisition of sites, and planning, architectural, and engineering services, \$10,875,000, to remain available until expended.

OFFICE OF EDUCATION

EXPANSION AND IMPROVEMENT OF VOCATIONAL EDUCATION

For carrying out the provisions of titles I and II of the Vocational Education Act of 1946, as amended (20 U.S.C. 15i-15m, 15o-15q, 15aa-15jj, Public Law 88-210), section 1 of the Act of March 3, 1931 (20 U.S.C. 30), the Act of March 18, 1950 (20 U.S.C. 31-33), section 9 of the Act of August 1, 1956 (20 U.S.C. 34), section 2 of the Act of September 25, 1962 (48 U.S.C. 1667), and the Vocational Education Act of 1963; \$158,296,000, of which \$5,000,000 shall be for allotment for practical nurse training under such title II of the Vocational Education Act of 1946, \$180,000 for vocational education in the fishery trades and industry including distributive occupations therein, and \$5,000,000 for carrying out section 13 of the Vocational Education Act of 1963, and \$118,500,000 for carrying out other provisions of that Act.

77 Stat. 403.
20 USC 35 note.

HIGHER EDUCATION FACILITIES CONSTRUCTION

For grants, loans, and payments under the Higher Education Facilities Act of 1963, \$463,150,000, to be immediately available, of which not to exceed \$230,000,000 shall be for grants for construction of academic facilities under title I; \$60,000,000 shall be for grants for construction of graduate academic facilities under title II; and \$169,250,000 shall be for loans for construction of academic facilities under title III.

77 Stat. 363.
20 USC 701 note.

GRANTS FOR PUBLIC LIBRARIES

For grants to the States, pursuant to the Act of June 19, 1956, as amended (20 U.S.C. 351-358; Public Law 88-269), \$55,000,000, of which \$25,000,000 shall be for grants for public library services under title I of such Act, and \$30,000,000 shall be for grants for public library construction under title II of such Act.

70 Stat. 293;
Ante, p. 11.

FURTHER ENDOWMENT OF COLLEGES OF AGRICULTURE AND THE MECHANIC ARTS

For carrying out the provisions of section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), \$11,950,000.

74 Stat. 525.

PAYMENTS TO SCHOOL DISTRICTS

For payments to local educational agencies for the maintenance and operation of schools as authorized by the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), \$332,000,000: *Provided*, That this appropriation shall also be available for carrying out the provisions of section 6 of such Act.

64 Stat. 1100.
20 USC 236-245.
67 Stat. 535.

ASSISTANCE FOR SCHOOL CONSTRUCTION

For an additional amount for providing school facilities and for grants to local educational agencies in federally affected areas, as authorized by the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), including not to exceed \$820,000 for necessary expenses during the current fiscal year of technical services rendered by other agencies, \$58,400,000, to be immediately available, and to remain available until expended: *Provided*, That no part of this appropriation shall be available for salaries or other direct expenses of the Department of Health, Education, and Welfare: *Provided further*, That applications filed on or before June 30, 1964, shall receive priority over applications filed after such date.

72 Stat. 548.
20 USC 631-645.

DEFENSE EDUCATIONAL ACTIVITIES

For grants, loans, and payments under the National Defense Education Act of 1958 (72 Stat. 1580-1605), \$287,853,000, of which \$136,000,000 shall be for capital contributions to student loan funds and loans for non-Federal capital contributions to student loan funds, of which not to exceed \$1,000,000 shall be for such loans for non-Federal capital contributions, \$66,600,000 shall be for grants to States and loans to nonprofit private schools for science, mathematics, or modern language equipment and minor remodeling of facilities and for grants to States for supervisory and other services: *Provided*, That allotments under sections 302(a) and 305 for acquisition of equipment and minor remodeling shall be made on the basis of \$61,600,000 for grants to States and shall be made on the basis of \$8,400,000 for loans to private, nonprofit schools, and allotments under section 302(b) for supervisory and other services shall be made on the basis of \$5,000,000; \$15,000,000 shall be for grants to States for area vocational education programs; and \$17,500,000 shall be for grants to States for testing, guidance, and counseling: *Provided*, That no part of this appropriation shall be available for the purchase of science, mathematics, and modern language teaching equipment, or equipment suitable for use for teaching in such fields of education, which can be identified as originating in or having been exported from a Communist country, unless such equipment is unavailable from any other source: *Provided further*, That no part of this appropriation shall be available for graduate fellowships awarded initially under the provisions of the Act after the date of enactment of the Department of Health, Education, and Welfare Appropriation Act, 1962, which are not found by the Commissioner of Education to be consistent with the purpose of the Act as stated in section 101 thereof.

20 USC 401 note.

20 USC 442,
445.

75 Stat. 594.

20 USC 401.

Loans and payments under the National Defense Education Act, next succeeding fiscal year: For making, after March 31 of the current fiscal year, loans and payments under title II of the National Defense Education Act, for the first quarter of the next succeeding fiscal year such sums as may be necessary, the obligations incurred and the expenditures made thereunder to be charged to the appropriation for the same purpose for that fiscal year: *Provided*, That the payments made pursuant to this paragraph shall not exceed the amount paid for the same purposes for the first quarter of the current fiscal year.

20 USC 421-
429.

EDUCATIONAL IMPROVEMENT FOR THE HANDICAPPED

For grants for training and research and demonstrations with respect to handicapped children pursuant to the Act of September 6, 1958, as amended (20 U.S.C. 611-617), and section 302 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (Public Law 88-164), \$16,500,000.

72 Stat. 1777.

77 Stat. 295.
20 USC 618.

COOPERATIVE RESEARCH

For cooperative research, surveys, and demonstrations in education as authorized by the Act of July 26, 1954 (20 U.S.C. 331-332), \$15,840,000.

68 Stat. 533.

EDUCATIONAL RESEARCH (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Office of Education, as authorized by law, \$500,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such agency, for payments in the foregoing currencies.

FOREIGN LANGUAGE TRAINING AND AREA STUDIES

For payments to carry out the provisions of section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 529), \$1,500,000.

22 USC 2452.

SALARIES AND EXPENSES

For expenses necessary for the Office of Education, including surveys, studies, investigations, and reports regarding libraries; coordination of library service on the national level with other forms of adult education; development of library service throughout the country; purchase, distribution, and exchange of education documents, motion-picture films, and lantern slides; \$18,699,000 to be immediately available.

VOCATIONAL REHABILITATION

ADMINISTRATION

GRANTS TO STATES

For grants to States in accordance with the Vocational Rehabilitation Act, as amended, \$100,100,000, of which \$97,100,000 is for vocational rehabilitation services under section 2 of said Act; and \$3,000,000 is for extension and improvement projects under section 3 of said Act: *Provided*, That allotments under section 2 of said Act to the States for the current fiscal year shall be made on the basis of \$175,000,000, and this amount shall be considered the sum available for allotments under such section for such fiscal year: *Provided further*, That additional allotments, not exceeding \$900,000 in the aggregate, for grants under section 2 of said Act may be made, in accordance with regulations of the Secretary, to States in which the Federal share of the costs of rehabilitation services under such section exceeds their respective allotments from such \$175,000,000: *Provided further*, That the allotment to any State under section 3(a)(1) of said Act shall be not less than \$15,000.

68 Stat. 652.
29 USC 31 note.

Grants to States, next succeeding fiscal year: For making, after May 31, of the current fiscal year, grants to States under sections 2 and 3 of the Vocational Rehabilitation Act, as amended, for the first quarter of the next succeeding fiscal year such sums as may be necessary, the obligations incurred and the expenditures made thereunder to be charged to the appropriation therefor for that fiscal year: *Provided*, That the payments made pursuant to this paragraph shall not exceed the amount paid to the States for the first quarter of the current fiscal year.

29 USC 32, 33.

RESEARCH AND TRAINING

For grants and other expenses (except administrative expenses) for research, training, traineeships, and other special projects, pursuant to section 4 of the Vocational Rehabilitation Act, as amended, for carrying out the training functions provided for in section 7 of said Act, for studies, investigations, demonstrations, and reports, and of dissemination of information with respect thereto pursuant to section

29 USC 34.

29 USC 37.

7 of said Act, and not to exceed \$100,000 for carrying out the functions of the Vocational Rehabilitation Administration under the International Health Research Act of 1960 (74 Stat. 364), \$41,065,000: *Provided*, That for the purpose of determining the amount of payments to States from any appropriation for carrying out sections 2 and 3 with respect to expenditures under a State plan approved under said Act (and, if made after August 3, 1954 and prior to July 1, 1965, certified by the Secretary of Health, Education, and Welfare prior to July 1, 1965 for payment), State funds shall, subject to such limitations and conditions as may be prescribed in regulations of the Secretary, include contributions of funds made by any private agency, organization, or individual to a State to assist in meeting the costs of establishment of a public or other nonprofit workshop or rehabilitation facility, which would be regarded as State funds except for the condition, imposed by the contributor, limiting use of such funds to establishment of such workshop or facility.

22 USC 2101
note.

RESEARCH AND TRAINING (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Vocational Rehabilitation Administration, as authorized by law, \$2,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such agency, for the payments in the foregoing currencies.

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the Vocational Rehabilitation Administration, \$3,140,000.

PUBLIC HEALTH SERVICE

PREAMBLE

For necessary expenses in carrying out the Public Health Service Act, as amended (42 U.S.C., ch. 6A) (hereinafter referred to as the Act), and other Acts, including expenses for active commissioned officers in the Reserve Corps and for not to exceed two thousand eight hundred commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; expenses of primary and secondary schooling of dependents, in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, in amounts not to exceed an average of \$285 per student, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; not to exceed \$1,000 for entertainment of visiting scientists when specifically approved by the Surgeon General; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Act at rates established by the Surgeon General not to exceed \$24,500 per annum; as follows:

58 Stat. 682.
42 USC 201 note.

42 USC 209.

BUILDINGS AND FACILITIES

For construction, major repair, improvement, extension, and equipment of Public Health Service facilities, not otherwise provided, including plans and specifications and acquisition of sites, \$22,512,000, to remain available until expended.

ACCIDENT PREVENTION

To carry out section 301 of the Act, and for expenses necessary for demonstrations and training personnel for State and local health work pursuant to section 314(c) of the Act, with respect to accident prevention, \$3,823,000.

CHRONIC DISEASES AND HEALTH OF THE AGED

42 USC 241, 243,
246, 247a.

To carry out sections 301, 311, 314(e), and 316 of the Act, and for expenses necessary for demonstrations and training personnel for State and local health work under section 314(c) of the Act, with respect to chronic diseases and health problems of the aged, for allotments and payments to States under section 314(c) of the Act for establishing and maintaining adequate public health services for the chronically ill and the aged, and for cooperating with State health agencies, and other public and private nonprofit institutions, in the prevention, control, and eradication of cancer, neurological and sensory diseases, and blindness by providing for consultative services, training, demonstrations, and other control activities, directly and through grants-in-aid, \$53,722,000, of which \$11,750,000 shall be available only for such allotments and payments to States under section 314(c) of the Act.

COMMUNICABLE DISEASE ACTIVITIES

42 USC 247b,
264.

To carry out, except as otherwise provided for, those provisions of sections 301, 311, 314(c), 317, and 361 of the Act relating to the prevention and suppression of communicable and preventable diseases, and the interstate transmission and spread thereof, including the purchase of not to exceed three passenger motor vehicles for replacement only; and hire, maintenance, and operation of aircraft; \$29,828,000.

COMMUNITY HEALTH PRACTICE AND RESEARCH

42 USC 242g,
242h.

To carry out, to the extent not otherwise provided, sections 301, 309, 310, 311, and 314(c) of the Act, \$28,175,000.

42 USC 242d.

Grants and payments for the next succeeding fiscal year: For making, after March 31 of the current fiscal year, grants and payments under section 306 of the Public Health Service Act for the first quarter of the next succeeding fiscal year, such sums as may be necessary, and the obligations incurred and expenditures made hereunder shall be charged to the appropriation for that purpose for such fiscal year: *Provided*, That such payments pursuant to this paragraph may not exceed 50 per centum of the amounts authorized in such section for this purpose for the next succeeding fiscal year.

CONTROL OF TUBERCULOSIS

To carry out the purposes of section 314(b) of the Act, \$10,914,000, of which \$5,000,000 shall be available for grants of money, services, supplies and equipment to States, and with the approval of the respective State health authority, to counties, health districts and

other political subdivisions of the States for the control of tuberculosis in such amounts and upon such terms and conditions as the Surgeon General may determine, and of which \$3,000,000 shall be available only for grants to States, to be matched by an equal amount of State and local funds expended for the same purpose, for direct expenses of prevention and case-finding projects, including salaries, fees, and travel of personnel directly engaged in prevention and case finding and the necessary equipment and supplies used directly in prevention and case-finding operations, but excluding the purchase of care in hospitals and sanatoriums.

CONTROL OF VENEREAL DISEASES

To carry out the purposes of sections 314(a) and 363 of the Act with respect to venereal diseases and for grants of money, services, supplies, equipment, and use of facilities to States, as defined in the Act, and with the approval of the respective State health authorities, to counties, health districts, and other political subdivisions of the States, for venereal disease control activities, in such amounts and upon such terms and conditions as the Surgeon General may determine; \$10,030,000. 42 USC 246, 266.

DENTAL SERVICES AND RESOURCES

To carry out sections 301, 311 and 314(c) of the Act, and for training grants under section 422 of the Act, with respect to dental health activities, except as otherwise provided for the National Institute of Dental Research, \$7,171,000. 42 USC 241, 243, 246.
42 USC 288a.

NURSING SERVICES AND RESOURCES

To carry out sections 301 and 311 of the Act with respect to nursing services and resources, and the Nurse Training Act of 1964, \$21,631,000. Ante, p. 908.

Loans, grants, and payments for the next succeeding fiscal year: For making, after March 31 of the current fiscal year, loans, grants, and payments under part B of title VIII of the Public Health Service Act for the first quarter of the next succeeding fiscal year, such sums as may be necessary, and the obligations incurred and expenditures made hereunder shall be charged to the appropriation for that purpose for such fiscal year: *Provided*, That such payments pursuant to this paragraph may not exceed 50 per centum of the amounts authorized in such part B for these purposes for the next succeeding fiscal year. Ante, p. 913.

HOSPITAL CONSTRUCTION ACTIVITIES

To carry out the provisions of section 318 and title VI of the Act, as amended, and parts B and C of the Mental Retardation Facilities Construction Act (77 Stat. 284-290), \$245,846,000, of which \$150,000,000 shall be for grants or loans for hospitals and related facilities pursuant to section 601(b) of the Public Health Service Act, \$70,000,000 shall be for grants or loans for facilities pursuant to section 601(a) of the Public Health Service Act, \$2,500,000 shall be for special project grants pursuant to section 318 of the Public Health Service Act, \$3,012,000 shall be for the purposes authorized in section 624 of the Public Health Service Act, \$7,500,000, to remain available until expended, shall be for grants for facilities pursuant to part B of the Mental Retardation Facilities Construction Act, and \$10,000,000 shall be for grants for facilities pursuant to part C of the Mental Retardation Facilities Construction Act: *Provided*, That there Ante, p. 447.
42 USC 2661-2677.

Ante, p. 459.

may be transferred to this appropriation from "Construction of community mental health centers" an amount not to exceed the sum of the allotment adjustments made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act.

77 Stat. 290.
42 USC 2682.

HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE

77 Stat. 164.
42 USC 293-
294e.

To carry out parts B and C of title VII of the Public Health Service Act, \$110,782,000, of which \$60,000,000 is for grants to assist in construction of new teaching facilities pursuant to paragraph (1) of section 720 of the Act, \$20,000,000 is for grants to assist in construction of new teaching facilities for dentists pursuant to paragraph (2) of section 720, \$20,000,000 is for grants for replacement or rehabilitation of existing teaching facilities pursuant to paragraph (3) of section 720, and \$10,200,000 is for loans and for assisting in the establishment and operation of student loan funds pursuant to such part C: *Provided*, That amounts appropriated herein for grants and loans shall remain available until expended.

Loans and payments for the next succeeding fiscal year: For making, after March 31 of the current fiscal year, loans and payment to schools under part C of title VII of the Public Health Service Act for the first quarter of the next succeeding fiscal year such sums as may be necessary, and the obligations incurred and expenditures made hereunder shall be charged to the appropriation for that purpose for such fiscal year: *Provided*, That such payments to schools pursuant to this paragraph may not exceed 50 per centum of the amount authorized in such part C for this purpose for the next succeeding fiscal year.

ENVIRONMENTAL HEALTH SCIENCES

42 USC 241, 243,
246.

To carry out, except as otherwise provided for, sections 301, 311, and 314(c) of the Act with respect to environmental health and arctic health activities, \$9,350,000.

AIR POLLUTION

77 Stat. 392.
42 USC 1857
note.

To carry out the Clean Air Act, including purchase of not to exceed three passenger motor vehicles, and hire, maintenance, and operation of aircraft; \$20,930,000, to be immediately available.

ENVIRONMENTAL ENGINEERING AND SANITATION

42 USC 264.

To carry out sections 301, 311, and 361 of the Act, and for expenses necessary for demonstrations and training personnel for State and local health work under section 314(c) of the Act, with respect to milk, food, and community sanitation, and interstate quarantine activities, \$9,117,000.

OCCUPATIONAL HEALTH

To carry out sections 301 and 311 of the Act, and for expenses necessary for demonstrations and training personnel for State and local health work under section 314(c) of the Act, with respect to occupational health, \$5,163,000.

RADIOLOGICAL HEALTH

To carry out sections 301, 311, and 314(c) of the Act, with respect to radiological health, including grants for training of radiological health specialists; purchase of not to exceed two passenger motor vehicles of which one shall be for replacement only; and hire, maintenance, and operation of aircraft; \$19,598,000, of which \$2,500,000

shall be available only for allotments and payments to States pursuant to such section 314(c) for the establishment and maintenance of adequate radiological public health services.

42 USC 246.

WATER SUPPLY AND WATER POLLUTION CONTROL

To carry out sections 301, 311, and 361 of the Act with respect to water supply and water pollution control, and to carry out the Federal Water Pollution Control Act, as amended (33 U.S.C. 466-466d, 466f-466k), \$35,009,000, including \$4,700,000 for grants to States and \$300,000 for grants to interstate agencies under section 5 of the Federal Water Pollution Control Act, as amended.

42 USC 241, 243, 264.

70 Stat. 498.

GRANTS FOR WASTE TREATMENT WORKS CONSTRUCTION

For payments under section 6 of the Water Pollution Control Act, as amended (33 U.S.C. 466e), \$90,000,000: *Provided*, That allotments under such section 6 for the current fiscal year shall be made on the basis of \$100,000,000: *Provided further*, That none of the sums allotted to a State shall remain available for obligation after December 31, 1965.

75 Stat. 206.

HOSPITALS AND MEDICAL CARE

For carrying out the functions of the Public Health Service, not otherwise provided for, under the Act of August 8, 1946 (5 U.S.C. 150), and under sections 301 (with respect to research conducted at facilities financed by this appropriation), 321, 322, 324, 326, 331, 332, 341, 343, 344, 502, and 504 of the Act, section 810 of the Act of July 1, 1944, as amended (33 U.S.C. 763c), the Act of July 19, 1963 (Public Law 88-71), Private Law 419 of the Eighty-third Congress, as amended, and Executive Order 9079 of February 26, 1942, including purchase and exchange of farm products and livestock; purchase of not to exceed two passenger motor vehicles for replacement only; and purchase of firearms and ammunition; \$53,338,000, of which \$1,200,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with leprosy: *Provided*, That when the Public Health Service establishes or operates a health service program for any department or agency, payment for the estimated cost shall be made by way of reimbursement or in advance for deposit to the credit of this appropriation.

60 Stat. 903.
42 USC 241,
248 et seq.77 Stat. 83.
42 USC 253,
253a.
68 Stat. A74;
69 Stat. 76.
3 CFR 1943
Cum. Supp.
p. 1101.

FOREIGN QUARANTINE ACTIVITIES

For carrying out the purposes of sections 361 to 369 of the Act, relating to preventing the introduction of communicable diseases from foreign countries, the medical examination of aliens in accordance with section 325 of the Act, and the care and treatment of quarantine detainees pursuant to section 322(e) of the Act in private or other public hospitals when facilities of the Public Health Service are not available, including insurance of official motor vehicles in foreign countries when required by law of such countries, \$6,851,000.

42 USC 264-272.

42 USC 252.

42 USC 249.

GENERAL RESEARCH AND SERVICES, NATIONAL INSTITUTES OF HEALTH

For the activities of the National Institutes of Health, not otherwise provided for, including research fellowships and grants for research projects and training grants pursuant to section 301 of the Act; and grants of therapeutic and chemical substances for demonstrations and research; \$164,759,000: *Provided*, That funds advanced to the National Institutes of Health management fund from appro-

42 USC 241.

priations included in this Act shall be available for purchase of not to exceed twelve passenger motor vehicles for replacement only; and not to exceed \$2,500 for entertainment of visiting scientists when specifically approved by the Surgeon General: *Provided further*, That all appropriations made to the Public Health Service in this Act, and available for research or training projects, may be expended pursuant to contracts made on a cost or other basis for supplies and services, including indemnification of contractors to the extent and subject to the limitations provided in title 10, United States Code, section 2354, except that approval and certification required thereby shall be by the Surgeon General.

70A Stat. 134.

BIOLOGICS STANDARDS

58 Stat. 702.
42 USC 262, 263.

To carry out sections 351 and 352 of the Act pertaining to regulation and preparation of biological products, and conduct of research related thereto, \$4,969,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For expenses, not otherwise provided for, necessary to carry out the purposes of the Act with respect to child health and human development, \$42,696,000.

NATIONAL CANCER INSTITUTE

42 USC 281-286.

74 Stat. 767.

To enable the Surgeon General, upon the recommendations of the National Advisory Cancer Council, to make grants-in-aid for research and training projects relating to cancer; and to otherwise carry out the provisions of title IV, part A, of the Act; \$140,011,000: *Provided*, That amounts appropriated under this head in the Department of Health, Education, and Welfare Appropriation Act, 1961, for plans and specifications for a research facility for the National Cancer Institute shall remain available until June 30, 1965.

SPECIAL CANCER RESEARCH

For special studies of viruses, leukemia and allied diseases, \$10,000,000: *Provided*, That these funds may be expended pursuant to contracts made to the extent authorized, and subject to the limitations provided, in title 10, United States Code, section 2353, except that determination, approval, and certification required thereby shall be by the Surgeon General.

NATIONAL INSTITUTE OF MENTAL HEALTH

42 USC 241, 242,
242a, 243, 244,
246.

For expenses necessary for carrying out the provisions of sections 301, 302, 303, 311, 312, and 314(c) of the Act with respect to mental diseases, \$187,932,000.

CONSTRUCTION OF COMMUNITY MENTAL HEALTH CENTERS

77 Stat. 290.
42 USC 2681
note.

42 USC 2672.

For grants pursuant to the Community Mental Health Centers Act, \$35,000,000: *Provided*, That there may be transferred to this appropriation from "Hospital construction activities" an amount not to exceed the sum of the allotment adjustments made by the Secretary pursuant to section 132(c) of the Mental Retardation Facilities Construction Act.

NATIONAL HEART INSTITUTE

62 Stat. 464.
42 USC 287
note.

For expenses, not otherwise provided for, necessary to carry out the purposes of the National Heart Act, \$124,824,000: *Provided*, That amounts appropriated under this head in the Department of Health,

Education, and Welfare Appropriation Act, 1962, for plans and specifications for a gerontological research building and appurtenant facilities for the National Heart Institute shall remain available until June 30, 1965.

75 Stat. 602.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For expenses, not otherwise provided for, necessary to enable the Surgeon General to carry out the purposes of the Act with respect to dental diseases and conditions, \$20,083,000.

NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES

For expenses necessary to carry out the purposes of the Act relating to arthritis, rheumatism, and metabolic diseases, \$113,050,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For expenses, not otherwise provided for, necessary to carry out the purposes of the Act relating to allergy and infectious diseases, \$69,847,000, of which \$350,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND BLINDNESS

For expenses necessary to carry out the purposes of the Act relating to neurology and blindness, \$87,821,000.

GENERAL RESEARCH SUPPORT GRANTS

For general research support grants, as authorized in section 301 (d) of the Act, there shall be available from appropriations available to the National Institutes of Health for operating expenses the sum of \$45,000,000: *Provided*, That none of these funds shall be used to pay a recipient of such a grant any amount for indirect expenses in connection with such project.

62 Stat. 601.
42 USC 241.

GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES

For grants pursuant to parts A and D of Title VII of the Act, \$58,000,000.

70 Stat. 717;
77 Stat. 164, 282.
42 USC 292-292j,
295-295e.

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Public Health Service, as authorized by law, \$1,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Public Health Service, for payments in the foregoing currencies.

NATIONAL HEALTH STATISTICS

For expenses of the National Center for Health Statistics in carrying out the provisions of sections 301, 305, 312(a), 313, 314(c), and 315 of the Act, \$6,152,000.

42 USC 241, 242c,
244a, 245-247.

NATIONAL LIBRARY OF MEDICINE

58 Stat. 691.
42 USC 241.
70 Stat. 960.

To carry out section 301 of the Act and for expenses, not otherwise provided for, necessary to carry out the National Library of Medicine Act (42 U.S.C. 275), \$3,892,000.

RETIRED PAY OF COMMISSIONED OFFICERS

70 Stat. 250;
72 Stat. 1445, 1569.

For retired pay of commissioned officers, as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C., ch. 55), such amount as may be required during the current fiscal year.

SALARIES AND EXPENSES, OFFICE OF THE SURGEON GENERAL

For the divisions and offices of the Office of the Surgeon General and for miscellaneous expenses of the Public Health Service not appropriated for elsewhere, including preparing information, articles, and publications related to public health; and conducting studies and demonstrations in public health methods, \$6,006,000.

SAINT ELIZABETHS HOSPITAL

SALARIES AND EXPENSES

For expenses necessary for the maintenance and operation of the hospital, including purchase of one passenger motor vehicle, clothing for patients, and cooperation with organizations or individuals in the scientific research into the nature, causes, prevention, and treatment of mental illness, such amount as may be equal to the difference between the amount of the reimbursements received during the current fiscal year on account of patient care provided by the hospital during such year and \$28,330,000.

BUILDINGS AND FACILITIES

For alterations, extension, and equipment of buildings and facilities on the grounds of the hospital, \$2,032,000, to remain available until expended.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON SALARIES AND EXPENSES, SOCIAL SECURITY
ADMINISTRATION

70 Stat. 822.

42 USC 401-425.

For necessary expenses, not more than \$326,410,000 may be expended as authorized by law (42 U.S.C. 401(g)(1)) from either or both the Federal old-age and survivors insurance trust fund and the Federal disability insurance trust fund: *Provided*, That such amounts as are required shall be available to pay the cost of necessary travel incident to medical examinations for verifying disabilities of individuals who file applications for disability determinations under title II of the Social Security Act, as amended: *Provided further*, That \$10,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes as amended (31 U.S.C. 665), only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workload within the existing limitation has been achieved.

Advances to States, next succeeding fiscal year: For making, after May 31 of the current fiscal year, advances to States under section 221(e) of the Social Security Act, as amended, for the first quarter of the next succeeding fiscal year, such sums as may be necessary from the above authorization may be expended from the Federal old-age and survivors insurance trust fund.

70 Stat. 823.
42 USC 421.

LIMITATION ON CONSTRUCTION, SOCIAL SECURITY ADMINISTRATION

For construction, alterations and equipment of facilities, including acquisition of sites, and planning, architectural, and engineering services, \$5,750,000 may be expended from either or both the Federal Old-Age and Survivors Insurance trust fund and the Federal Disability Insurance trust fund, to remain available until expended.

WELFARE ADMINISTRATION

GRANTS TO STATES FOR PUBLIC ASSISTANCE

For grants to States for old-age assistance, medical assistance for the aged, aid to families with dependent children, aid to the blind, and aid to the permanently and totally disabled, as authorized in titles I, IV, X, XIV, and XVI of the Social Security Act, as amended (42 U.S.C. ch. 7, subchs. I, IV, X, XIV, and XVI), \$2,780,000,000, of which such amount as may be necessary shall be available for grants for any period in the prior fiscal year subsequent to March 31 of that year: *Provided*, That none of the funds contained in this paragraph shall be available for carrying out section 1115 of the Social Security Act, as amended.

42 USC 301 et seq.

76 Stat. 192.
42 USC 1315.

ASSISTANCE FOR REPATRIATED UNITED STATES NATIONALS

For necessary expenses of carrying out section 1113 of the Social Security Act, as amended (42 U.S.C. 1313), and of carrying out the provisions of the Act of July 5, 1960 (74 Stat. 308), and for care and treatment in accordance with the Acts of March 2, 1929, and October 29, 1941, as amended (24 U.S.C. 191a, 196a), \$373,000.

75 Stat. 142.
24 USC 321-329.
45 Stat. 1495.
55 Stat. 756.

SALARIES AND EXPENSES, BUREAU OF FAMILY SERVICES

For expenses necessary for the Bureau of Family Services, \$5,359,000.

GRANTS FOR MATERNAL AND CHILD WELFARE

For grants for maternal and child welfare as authorized in title V, parts 1, 2, 3, and 4 of the Social Security Act, as amended (42 U.S.C., ch. 7, subch. V; 74 Stat. 995-997, and 77 Stat. 273), \$127,830,000, of which \$35,000,000 shall be available for maternal and child-health services under part 1, \$35,000,000 for services for crippled children under part 2, \$34,000,000 (of which \$4,000,000 shall be for allotment for day care pursuant to section 527 of such Act) for child welfare services under part 3 (other than section 526), \$5,830,000 for research, training, or demonstration projects in child welfare under section 526, \$15,000,000 for special project grants for maternity and infant care under section 531, and \$3,000,000 for research projects relating to maternal and child health and crippled children's services under section 532 of such Act: *Provided*, That any allotment to a State pursuant to section 502(b) or 512(b) of such Act shall not be included in computing for the purposes of subsections (a) and (b) of sections 504 and 514 of such Act an amount expended or estimated to be expended

42 USC 701 et seq.

76 Stat. 183.
42 USC 727.
74 Stat. 997.
42 USC 726.

77 Stat. 274.
42 USC 729, 729a.
42 USC 702, 712.

42 USC 704, 714.

64 Stat. 551.
42 USC 702.
42 USC 712.

by the State: *Provided further*, That \$3,500,000 of the amount available under section 502(b) of such Act shall be used only for special projects for mentally retarded children, and \$2,500,000 of the amount available under section 512(b) of such Act shall be used only for special projects for services for crippled children who are mentally retarded: *Provided further*, That after January 1, 1966 no federal funds shall be used to pay in excess of one-half of the cost of day care services under section 527(a) of the Social Security Act, as amended.

76 Stat. 183.
42 USC 727.

SALARIES AND EXPENSES, CHILDREN'S BUREAU

37 Stat. 79.
42 USC 191-194.
42 USC 701 et
seq.

For necessary expenses in carrying out the Act of April 9, 1912, as amended (42 U.S.C., ch. 6), and title V of the Social Security Act, as amended (42 U.S.C., ch. 7, subch. V), including purchase of reports and material for the publications of the Children's Bureau and of reprints for distribution, \$4,295,000: *Provided*, That no part of any appropriation contained in this title shall be used to promulgate or carry out any instructions, order, or regulation relating to the care of obstetrical cases which discriminate between persons licensed under State law to practice obstetrics: *Provided further*, That the foregoing proviso shall not be so construed as to prevent any patient from having the services of any practitioner of her own choice, paid for out of this fund, so long as State laws are complied with: *Provided further*, That any State plan which provides standards for professional obstetrical services in accordance with the laws of the State shall be approved.

JUVENILE DELINQUENCY AND YOUTH OFFENSES

75 Stat. 572.
42 USC 2541
note.

For grants and contracts for demonstration, evaluation, and training projects, and for technical assistance, relating to control of juvenile delinquency and youth offenses, and for salaries and expenses in connection therewith, \$10,000,000; and for a demonstration and evaluation project in the Washington metropolitan area, \$1,500,000 to remain available only through June 30, 1965; as authorized by the Juvenile Delinquency and Youth Offenses Control Act of 1961, as amended.

SALARIES AND EXPENSES, OFFICE OF AGING

For expenses necessary for the Office of Aging, \$566,000.

COOPERATIVE RESEARCH OR DEMONSTRATION PROJECTS

70 Stat. 851.

For grants, contracts, and jointly financed cooperative arrangements for research or demonstration projects under section 1110 of the Social Security Act, as amended (42 U.S.C. 1310), \$1,700,000.

SALARIES AND EXPENSES, OFFICE OF THE COMMISSIONER

For expenses necessary for the Office of the Commissioner of Welfare, \$1,062,000.

42 USC 301 et
seq.

Grants to States, next succeeding fiscal year: For making, after May 31 of the current fiscal year, payments to States under titles I, IV, V, X, XIV, and XVI, respectively, of the Social Security Act, as amended, for the first quarter of the next succeeding fiscal year, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under each of such titles to be charged to the appropriation therefor for that fiscal year.

In the administration of titles I, IV, V, X, XIV, and XVI, respectively, of the Social Security Act, as amended, payments to a State under any of such titles for any quarter in the period beginning

April 1 of the prior year, and ending June 30 of the current year, may be made with respect to a State plan approved under such title prior to or during such period, but no such payment shall be made with respect to any plan for any quarter prior to the quarter in which such plan was submitted for approval.

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101-105), \$865,000.

20 Stat. 468.

FREEDMEN'S HOSPITAL

For expenses necessary for operation and maintenance, including repairs; furnishing, repairing, and cleaning of wearing apparel used by employees in the performance of their official duties; transfer of funds to the appropriation "Salaries and expenses, Howard University" for salaries of technical and professional personnel detailed to the hospital; payments to the appropriations of Howard University for actual cost of heat, light, and power furnished by such university; \$3,873,000: *Provided*, That no intern or resident physician receiving compensation from this appropriation on a full-time basis shall receive compensation in the form of wages or salary from any other appropriation in this title: *Provided further*, That the District of Columbia shall pay by check to Freedmen's Hospital, upon the Surgeon General's request, in advance at the beginning of each quarter, such amount as the Surgeon General calculates will be earned on the basis of rates approved by the Bureau of the Budget for the care of patients certified by the District of Columbia. Bills rendered by the Surgeon General on the basis of such calculations shall not be subject to audit or certification in advance of payment; but proper adjustment of amounts which have been paid in advance on the basis of such calculations shall be made at the end of each quarter: *Provided further*, That the Surgeon General may delegate the responsibilities imposed upon him by the foregoing proviso.

SALARIES AND EXPENSES, GALLAUDET COLLEGE

For the partial support of Gallaudet College, including personal services and miscellaneous expenses, and repairs and improvements as authorized by the Act of June 18, 1954 (Public Law 420), \$1,926,000: *Provided*, That Gallaudet College shall be paid by the District of Columbia, in advance at the beginning of each quarter, at a rate not less than \$1,640 per school year for each student receiving elementary or secondary education pursuant to the Act of March 1, 1901 (31 D.C. Code 1008).

68 Stat. 265.
D.C. Code 31-
1025 to 31-1032.

31 Stat. 844.

CONSTRUCTION, GALLAUDET COLLEGE

For construction, alteration, renovation, equipment, and improvement of buildings and facilities on the grounds of Gallaudet College, as authorized by the Act of June 18, 1954 (Public Law 420), under the supervision, if so requested by the College, of the General Services Administration, including planning, architectural, and engineering services, \$367,000, to remain available until expended.

SALARIES AND EXPENSES, HOWARD UNIVERSITY

For the partial support of Howard University, including personal services and miscellaneous expenses and repairs to buildings and grounds, \$9,660,000.

CONSTRUCTION, HOWARD UNIVERSITY

For the construction and equipment of buildings and facilities on the grounds of Howard University, under the supervision of the General Services Administration, including planning, architectural, and engineering services, \$1,810,000, to remain available until expended.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For expenses necessary for the Office of the Secretary, \$3,070,000, together with not to exceed \$479,000 to be transferred from the Federal old-age and survivors insurance trust fund.

OFFICE OF FIELD ADMINISTRATION

For expenses necessary for the Office of Field Administration, \$3,784,000, together with not to exceed \$1,257,000 to be transferred from the Federal old-age and survivors insurance trust fund and not to exceed \$31,000 to be transferred from the Operating fund, Bureau of Federal Credit Unions.

SURPLUS PROPERTY UTILIZATION

For expenses necessary for carrying out the provisions of subsections 203 (j), (k), (n), and (o), of the Federal Property and Administrative Services Act of 1949, as amended, relating to disposal of real and personal excess property for educational purposes, civil defense purposes, and protection of public health, \$970,000.

70 Stat. 493;
63 Stat. 387;
69 Stat. 84, 430.
40 USC 484.

OFFICE OF THE GENERAL COUNSEL

For expenses necessary for the Office of the General Counsel, \$1,167,000, together with not to exceed \$29,000 to be transferred from "Revolving fund for certification and other services, Food and Drug Administration", and not to exceed \$878,000 to be transferred from the Federal old-age and survivors insurance trust fund.

EDUCATIONAL TELEVISION FACILITIES

For grants to assist in construction of educational television broadcasting facilities, as authorized by part IV of title III of the Communications Act of 1934 (76 Stat. 64), and for related salaries and expenses, to remain available until expended, \$13,000,000, of which not to exceed \$300,000 shall be available for such salaries and expenses during the current fiscal year.

47 USC 390-397.

GENERAL PROVISIONS

Withholding of
funds.
Restriction.

SEC. 201. None of the funds appropriated by this title to the Welfare Administration for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any States which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the

agencies of the said States, or the rates of pay of said officers or employees.

SEC. 202. The Secretary is authorized to make such transfers of motor vehicles, between bureaus and offices, without transfer of funds, as may be required in carrying out the operations of the Department.

Motor vehicles,
transfer.

SEC. 203. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount for indirect expenses in connection with such project in excess of 20 per centum of the direct costs.

Research, in-
direct expenses.

SEC. 204. Appropriations to the Public Health Service available for research grants pursuant to the Public Health Service Act shall also be available, on the same terms and conditions as apply to non-Federal institutions, for research grants to hospitals of the Service, the Bureau of Prisons, Department of Justice, and to Saint Elizabeths Hospital.

Research grants,
availability of
funds.
58 Stat. 682.
42 USC 201 note.

SEC. 205. None of the funds contained in this Act shall be used for any activity the purpose of which is to require any recipient of any project grant for research, training, or demonstration made by any officer or employee of the Department of Health, Education, and Welfare to pay to the United States any portion of any interest or other income earned on payments of such grant made before July 1, 1964.

Project grants,
etc., restriction.

SEC. 206. Except upon the approval of the President's Science Advisory Committee, none of the funds herein appropriated shall be used to conduct or assist in conducting, or carry on, undertake, or continue surveys, investigations, or any programs (including but not limited to, the payment of salaries, administrative expenses, the conduct of research activities and policing actions) in the field of salinity control or of irrigation water quality in the area drained by the Colorado River and its tributaries.

Colorado River
programs.
Prohibition of
funds.

This title may be cited as the "Department of Health, Education, and Welfare Appropriation Act, 1965."

Citation of
title.

TITLE III—NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, \$25,000,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

61 Stat. 136;
73 Stat. 541.

52 Stat. 1060.

TITLE IV—NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary for carrying out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including temporary employment of referees under section 3 of the Railway Labor Act, as amended, at rates not in excess of \$100 per diem; and emergency boards appointed by the President pursuant to section 10 of said Act (45 U.S.C. 160); \$1,970,000.

44 Stat. 577.

45 USC 153.

TITLE V—RAILROAD RETIREMENT BOARD

LIMITATION ON SALARIES AND EXPENSES

For expenses necessary for the Railroad Retirement Board, \$10,500,000, to be derived from the railroad retirement account.

PAYMENT FOR MILITARY SERVICE CREDITS, RAILROAD RETIREMENT BOARD

For payment to the railroad retirement account for military service credits under the Railroad Retirement Act, as amended (45 U.S.C. 228c-1), \$13,834,000.

54 Stat. 1014;
60 Stat. 729.

TITLE VI—FEDERAL MEDIATION AND CONCILIATION
SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171-180, 182), including expenses of the Labor-Management Panel as provided in section 205 of said Act; expenses of boards of inquiry appointed by the President pursuant to section 206 of said Act; temporary employment of arbitrators, conciliators, and mediators on labor relations at rates not in excess of \$100 per diem; purchase of one passenger motor vehicle (medium sedan for replacement only) at not to exceed \$3,000; and Government-listed telephones in private residences and private apartments for official use in cities where mediators are officially stationed, but no Federal Mediation and Conciliation Service office is maintained; \$6,100,000.

61 Stat. 152.
29 USC 175.
29 USC 176.

TITLE VII—INTERSTATE COMMISSION ON THE
POTOMAC RIVER BASINCONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER
BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), \$5,000.

33 USC 567b.

TITLE VIII—UNITED STATES SOLDIERS' HOME

LIMITATION ON OPERATION AND MAINTENANCE AND CAPITAL OUTLAY

For maintenance and operation of the United States Soldiers' Home, to be paid from the Soldiers' Home permanent fund, \$6,888,000: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army, upon the recommendation of the Board of Commissioners of the Home and the Surgeon General of the Army.

TITLE IX—GENERAL PROVISIONS

SEC. 901. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a) but at rates not to exceed \$75 per diem for individuals.

60 Stat. 810.

SEC. 902. Appropriations contained in this Act available for salaries and expenses shall be available for uniforms or allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131).

Uniform allowances.

SEC. 903. Appropriations contained in this Act available for salaries and expenses shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

68 Stat. 1114.
Attendance at meetings.

SEC. 904. The Secretary of Labor and the Secretary of Health, Education, and Welfare, are each authorized to make available not to exceed \$5,000 from funds available for salaries and expenses under titles I and II, respectively, for official reception and representation expenses.

Official reception expenses.

SEC. 905. None of the funds appropriated in this Act shall be used to conduct or assist in conducting any program (including but not limited to the payment of salaries, administrative expenses, and the conduct of research activities) related directly or indirectly to the establishment of a national service corps or similar domestic peace corps type of program.

Restriction.

SEC. 906. None of the funds contained in this Act shall be used for implementing any provision of the Economic Opportunity Act of 1964, nor shall any funds contained in this Act be obligated for any activity in excess of the amount set forth for the activity in the schedules contained in the President's budget for 1965, except in those instances where a greater amount was specified by the Congress.

Restriction.

Ante, p. 508.

TITLE X—LEGISLATIVE BRANCH

SENATE

CONTINGENT EXPENSES OF THE SENATE

Joint Committee on Inaugural Ceremonies of 1965

For construction of platform and seating stands and for salaries and expenses of conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 1965, in accordance with such program as may be adopted by the joint committee authorized by concurrent resolution of the Senate and House of Representatives, \$265,000.

This Act may be cited as the "Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1965".

Short title.

Approved September 19, 1964.

Public Law 88-606

September 19, 1964
[H. R. 8070]

AN ACT

For the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes.

Public Land
Law Review Com-
mission.
Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

DECLARATION OF POLICY

SECTION 1. It is hereby declared to be the policy of Congress that the public lands of the United States shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public.

DECLARATION OF PURPOSE

SEC. 2. Because the public land laws of the United States have developed over a long period of years through a series of Acts of Congress which are not fully correlated with each other and because those laws, or some of them, may be inadequate to meet the current and future needs of the American people and because administration of the public lands and the laws relating thereto has been divided among several agencies of the Federal Government, it is necessary to have a comprehensive review of those laws and the rules and regulations promulgated thereunder and to determine whether and to what extent revisions thereof are necessary.

COMMISSION ON PUBLIC LAND LAW REVIEW

Composition.

SEC. 3. (a) For the purpose of carrying out the policy and purpose set forth in sections 1 and 2 of this Act, there is hereby established a commission to be known as the Public Land Law Review Commission, hereinafter referred to as "the Commission."

(b) The Commission shall be composed of nineteen members, as follows:

(i) Three majority and three minority members of the Senate Committee on Interior and Insular Affairs to be appointed by the President of the Senate;

(ii) Three majority and three minority members of the House Committee on Interior and Insular Affairs to be appointed by the Speaker of the House of Representatives;

(iii) Six persons to be appointed by the President of the United States from among persons who at the time appointment is to be made hereunder are not, and within a period of one year immediately preceding that time have not been, officers or employees of the United States; but, the foregoing or any other provision of law notwithstanding, there may be appointed, under this paragraph, any person who is retained, designated, appointed, or employed by any instrumentality of the executive branch of the Government or by any independent agency of the United States to perform, with or without compensation, temporary duties on either a full-time or intermittent basis for not to exceed one hundred and thirty days during any period of three hundred and sixty-five consecutive days; and

(iv) One person, elected by majority vote of the other eighteen, who shall be the Chairman of the Commission.

Chairman.

(c) Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

Vacancies.

(d) The organization meeting of the Commission shall be held at such time and place as may be specified in a call issued jointly by the senior member appointed by the President of the Senate and the senior member appointed by the Speaker of the House of Representatives.

(e) Ten members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

(f) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(g) The members appointed by the President shall each receive \$50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

DUTIES OF THE COMMISSION

SEC. 4. (a) The Commission shall (i) study existing statutes and regulations governing the retention, management, and disposition of the public lands; (ii) review the policies and practices of the Federal agencies charged with administrative jurisdiction over such lands insofar as such policies and practices relate to the retention, management, and disposition of those lands; (iii) compile data necessary to understand and determine the various demands on the public lands which now exist and which are likely to exist within the foreseeable future; and (iv) recommend such modifications in existing laws, regulations, policies, and practices as will, in the judgment of the Commission, best serve to carry out the policy set forth in section 1 of this Act.

(b) The Commission shall, not later than December 31, 1968, submit to the President and the Congress its final report. It shall cease to exist six months after submission of said report or on June 30, 1969, whichever is earlier. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

Report to President and Congress.

DEPARTMENTAL LIAISON OFFICERS

SEC. 5. The Chairman of the Commission shall request the head of each Federal department or independent agency which has an interest in or responsibility with respect to the retention, management, or disposition of the public lands to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this Act.

ADVISORY COUNCIL

SEC. 6. (a) There is hereby established an Advisory Council, which shall consist of the liaison officers appointed under section 5 of this Act, together with 25 additional members appointed by the Commission who shall be representative of the various major citizens' groups interested in problems relating to the retention, management, and disposition of the public lands, including the following: Organizations representative of State and local government, private organizations working in the field of public land management and outdoor recreation resources and opportunities, landowners, forestry interests, livestock

interests, mining interests, oil and gas interests, commercial and sport fishing interests, commercial outdoor recreation interests, industry, education, labor, and public utilities. Any vacancy occurring on the Advisory Council shall be filled in the same manner as the original appointment.

(b) The Advisory Council shall advise and counsel the Commission concerning matters within the jurisdiction of the Commission.

(c) Members of the Advisory Council shall serve without compensation, but shall be entitled to reimbursement for actual travel and subsistence expenses incurred in attending meetings of the Council called or approved by the Chairman of the Commission or in carrying out duties assigned by the Chairman.

(d) The Chairman of the Commission shall call an organization meeting of the Advisory Council as soon as practicable, a meeting of such council each six months thereafter, and a final meeting prior to approval of the final report by the Commission.

GOVERNORS' REPRESENTATIVES

SEC. 7. The Chairman of the Commission shall invite the Governor of each State to designate a representative to work closely with the Commission and its staff and with the advisory council in matters pertaining to this Act.

POWERS OF THE COMMISSION

SEC. 8. (a) The Commission or, on authorization of the Commission, any committee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued only on the authority of the Commission and shall be served by anyone designated by the Chairman of the Commission.

The Commission shall not issue any subpoena for the attendance and testimony of witnesses or for the production of written or other matters which would require the presence of the parties subpoenaed at a hearing to be held outside of the State wherein the witness is found or resides or transacts business.

A witness may submit material on a confidential basis for the use of the Commission and, if so submitted, the Commission shall not make the material public. The provisions of sections 102-104, inclusive, of the Revised Statutes (2 U.S.C. 192-194) shall apply in case of any failure of any witness to comply with any subpoena or testimony when summoned under this section.

(b) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this Act and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman or the Vice Chairman when acting as Chairman.

(c) If the Commission requires of any witness or of any governmental agency production of any materials which have theretofore been submitted to a government agency on a confidential basis, and the confidentiality of those materials is protected by statute, the material so produced shall be held confidential by the Commission.

APPROPRIATIONS, EXPENSES, AND PERSONNEL

SEC. 9. (a) There are hereby authorized to be appropriated such sums, but not more than \$4,000,000, as may be necessary to carry out the provisions of this Act and such moneys as may be appropriated shall be available to the Commission until expended.

(b) The Commission is authorized, without regard to the civil service laws and regulations and without regard to the Classification Act of 1949, as amended, to fix the compensation of its Chairman and appoint and fix the compensation of its staff director, and such additional personnel as may be necessary to enable it to carry out its functions except that any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege.

5 USC 1071
note.
Ante, p. 400.

(c) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this Act to carry out such aspects of the review as the Commission determines can best be carried out in that manner.

(d) Service of an individual as a member of the Advisory Council, as the representative of a Governor, or employment by the Commission of an attorney or expert in any job or professional field on a part-time or full-time basis with or without compensation shall not be considered as service or employment bringing such individuals within the provisions of the Act of October 23, 1962 (76 Stat. 1119).

18 USC 201 et
seq.

DEFINITION OF "PUBLIC LANDS"

SEC. 10. As used in this Act, the term "public lands" includes (a) the public domain of the United States, (b) reservations, other than Indian reservations, created from the public domain, (c) lands permanently or temporarily withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws, including the mining laws, (d) outstanding interests of the United States in lands patented, conveyed in fee or otherwise, under the public land laws, (e) national forests, (f) wildlife refuges and ranges, and (g) the surface and subsurface resources of all such lands, including the disposition or restriction on disposition of the mineral resources in lands defined by appropriate statute, treaty, or judicial determination as being under the control of the United States in the Outer Continental Shelf.

Approved September 19, 1964.

Public Law 88-607

AN ACT

September 19, 1964
[H. R. 5159]

To authorize and direct that certain lands exclusively administered by the Secretary of the Interior be classified in order to provide for their disposal or interim management under principles of multiple use and to produce a sustained yield of products and services, and for other purposes.

Public land disposal,
Interior Secretary, authority.
Ante, p. 982.

Promulgation of regulations.

Publication in Federal Register.

Classification of lands for disposal or retention.

Publication in Federal Register.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, consistent with and supplemental to the Taylor Grazing Act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315), and pending the implementation of recommendations to be made by the Public Land Law Review Commission—

(a) The Secretary of the Interior shall develop and promulgate regulations containing criteria by which he will determine which of the public lands and other Federal lands, including those situated in the State of Alaska exclusively administered by him through the Bureau of Land Management shall be (a) disposed of because they are (1) required for the orderly growth and development of a community or (2) are chiefly valuable for residential, commercial, agricultural (exclusive of lands chiefly valuable for grazing and raising forage crops), industrial, or public uses or development or (b) retained, at least during this period, in Federal ownership and managed for (1) domestic livestock grazing, (2) fish and wildlife development and utilization, (3) industrial development, (4) mineral production, (5) occupancy, (6) outdoor recreation, (7) timber production, (8) watershed protection, (9) wilderness preservation, or (10) preservation of public values that would be lost if the land passed from Federal ownership. No such regulation shall become effective until the expiration of at least thirty days after the Secretary or his designee has held a public hearing thereon. Before such public hearing is held, a notice of at least thirty days shall have been given through publication in the Federal Register and notification to the President of the Senate and the Speaker of the House of Representatives, both of whom shall receive with the notice a copy of the proposed regulation.

(b) The Secretary of the Interior shall, as soon as possible, review the public lands as defined herein, in the light of the criteria contained in the regulations issued with this section to determine which lands shall be classified as suitable for disposal and which lands he considers to contain such values as to make them more suitable for retention in Federal ownership for interim management under the principles enunciated in this section. In making his determinations the Secretary shall give due consideration to all pertinent factors, including, but not limited to, ecology, priorities of use, and the relative values of the various resources in particular areas.

(1) None of the land subject to this Act shall be given a designation or classification unless such designation or classification is authorized by statute or defined in regulations promulgated by the Secretary of the Interior.

SEC. 2. At least sixty days prior to taking the following action the Secretary of the Interior or his designee shall give such public notice of the proposed action as he deems appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land:

(a) Classification for sale or other disposal under any statute of a tract of land in excess of two thousand five hundred and sixty acres.

(b) Classification for management by the Bureau of Land Management of an area in excess of two thousand five hundred and sixty acres

when the action will exclude from the area permanently, or for a substantial period of time, one or more uses enumerated in section 1 of this Act.

SEC. 3. The Secretary of the Interior shall develop and administer for multiple use and sustained yield of the several products and services obtainable therefrom those public lands that are determined to be suitable for interim management in accordance with regulations promulgated pursuant to this Act.

SEC. 4. Publication of notice in the Federal Register by the Secretary of the Interior of a proposed classification under this Act shall have the effect of segregating such land from settlement, location, sale, selection, entry, lease, or other formal disposal under the public land laws, including the mining and mineral leasing laws, except to the extent that the proposed classification or subsequent notification thereof specifies that the land shall remain open for one or more of such forms of disposal under the public land laws. The segregative effect of such proposed classification shall continue for a period of two years from the date of publication unless classification has theretofore been completed in accordance with the provisions of this Act and the regulations to be promulgated hereunder, or unless the Secretary of the Interior shall terminate it sooner. Lands classified for sale or other disposal shall be offered for sale or such other disposal within two years of the date of publication of the proposed classification and if not so offered for sale or other disposal the segregative effect shall cease at the expiration of two years from the date of publication. The proposed classification or proposed sale or other disposal may be continued beyond the two-year period if notice of such proposed continuance, including a statement of necessity for continued segregation, is submitted to the President of the Senate and the Speaker of the House of Representatives and published in the Federal Register not more than ninety days nor less than thirty days prior to the expiration of the two-year period specified herein; and thereupon the segregative effect shall be extended for such additional period as is specified in the notice, not exceeding two years, unless Congress or the Secretary of the Interior terminates the segregation at any earlier date.

Exemption of
lands from other
forms of disposal.

SEC. 5. As used in this Act, the following terms shall have the following meanings:

Definitions.

(a) The term "public lands" means any lands (1) withdrawn or reserved by Executive Order Numbered 6910 of November 26, 1934, as amended, or 6964 of February 5, 1935, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, or (3) located in the State of Alaska, which are not otherwise withdrawn or reserved for a Federal use or purpose.

43 USC 315
et seq.

(b) "Multiple use" means the management of the various surface and subsurface resources so that they are utilized in the combination that will best meet the present and future needs of the American people; the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

(c) "Sustained yield of the several products and services" means the achievement and maintenance of a high-level annual or regular periodic output of the various renewable resources of land without impairment of the productivity of the land.

SEC. 6. The purposes of this Act are declared to be supplemental to the purposes for which any of the Federal lands in section 1 of this Act have been designated, acquired, withdrawn, reserved, held, or administered. This Act shall not be construed as a repeal, in whole or in part, of any existing law, including, but not limited to, the mining and mineral leasing laws.

SEC. 7. Nothing herein contained shall be construed as—

(a) Restricting prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands to which this Act applies under law applicable thereto pending action inconsistent therewith under this Act.

(b) Restricting the entry and settlement of lands open to entry and settlement under the public land laws pending action inconsistent therewith under this Act.

(c) Restricting the Secretary of the Interior from disposing of lands under applicable statutes after the land has been classified in accordance with this Act.

(d) Affecting the jurisdiction or responsibilities of the several States with respect to the lands referred to herein.

SEC. 8. The authorizations and requirements of this Act shall expire June 30, 1969, except that the segregation prior to June 30, 1969, of any public lands from settlement, location, sale, selection, entry, lease, or other form of disposal under the public land laws shall continue for the period of time allowed by this Act.

Approved September 19, 1964.

Expiration of
authority.

Public Law 88-608

AN ACT

September 19, 1964
[H. R. 5498]

To provide temporary authority for the sale of certain public lands.

Public lands
disposal.
Authority of
Interior Secretary.
Ante, p. 982.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That pending the implementation of recommendations to be made by the Public Land Law Review Commission, in addition to any other authority that he may have, the Secretary of the Interior is authorized and directed to dispose of public lands that have been classified for disposal in accordance with a determination that (a) the lands are required for the orderly growth and development of a community or (b) the lands are chiefly valuable for residential, commercial, agricultural (exclusive of lands chiefly valuable for grazing and raising forage crops), industrial, or public uses or development. Such disposals shall be in tracts not exceeding five thousand one hundred and twenty acres each to qualified governmental agencies at the appraised fair market value thereof as determined by the Secretary of the Interior or to qualified individuals through competitive bidding at not less than the appraised fair market value as determined by the Secretary of the Interior.

SEC. 2. At least ninety days prior to offering lands for sale in accordance with this Act, the Secretary of the Interior shall notify the head of the governing body of the political subdivision of the State having jurisdiction over zoning in the geographic area within which the lands are located or, in the absence of such political subdivision, the Governor of the State, in order to afford the appropriate body with the opportunity of zoning for the use of the land in accordance with local

Notification to
local zoning
authority.

planning and development. No sale shall be conducted under the authority of this Act until zoning regulations have been enacted by the appropriate local authority.

SEC. 3. At least thirty days before entering into an agreement with a governmental agency or of the opening of bids from individuals, notice of the offering of lands for sale in accordance with this Act shall be furnished by the Secretary of the Interior through a newspaper of general circulation in the area in which the lands are situated and by publication of the notice in the Federal Register.

Land offerings,
notice.
Publication in
Federal Register.

SEC. 4. All patents or other evidences of title issued under this Act shall contain a reservation to the United States of all mineral deposits which shall thereupon be withdrawn from appropriation under the public land laws including the mining and mineral leasing laws. Patents and other evidences of title may contain such reservations and reasonable restrictions as are necessary in the public interest, but no restriction to insure proper development of the lands after they have passed from Federal ownership shall be imposed.

Title reserva-
tions.

SEC. 5. For the purposes of this Act the following terms have the following meanings—

Definitions.

(a) "Public lands" means any public lands which are withdrawn by Executive Order Numbered 6910, dated November 26, 1934, as amended, or by Executive Order Numbered 6964, dated February 5, 1935, as amended, or pursuant to section 1 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315), and not otherwise reserved, or which are vacant, unappropriated, and unreserved public lands in Alaska.

(b) "Qualified governmental agency" means any of the following, including their lawful agents and instrumentalities: (A) the State, county, municipality, or other local government subdivision within which the land is located and (B) any municipality within convenient access to the lands if the lands are within the same State as the municipality.

(c) "Qualified individual" means (A) any individual who is a citizen or otherwise a national of the United States (or who has declared his intention to become a citizen) aged twenty-one years or more; (B) any partnership or association, each of the members of which is a qualified individual as defined in subparagraph (A); and (C) any corporation organized under the laws of the United States or of any State thereof, and authorized to hold title to real property in the State in which the land is located.

SEC. 6. Ninety per centum of the proceeds from lands sold in the State of Alaska pursuant to this Act shall be transferred to the State of Alaska in consideration for which the State shall surrender its right to select an equal acreage of land pursuant to section 6(b) of the Alaska Statehood Act (72 Stat. 339).

Land sales in
Alaska.

SEC. 7. The authority granted by this Act shall expire June 30, 1969, except that sales concerning which notice has been given in accordance with section 3 hereof prior to June 30, 1969, may be consummated and patents issued in connection therewith after June 30, 1969.

48 USC prec.
21 note.
Termination of
sale authority.

Approved September 19, 1964.

Public Law 88-609

AN ACT

September 22, 1964
[S. 2701]

To provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans.

Atlantic-Pacific
interoceanic
canal.
Study.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to appoint a Commission to be composed of five men from private life, to make a full and complete investigation and study, including necessary on-site surveys, and considering national defense, foreign relations, intercoastal shipping, interoceanic shipping, and such other matters as they may determine to be important, for the purpose of determining the feasibility of, and the most suitable site for, the construction of a sea level canal connecting the Atlantic and Pacific Oceans; the best means of constructing such a canal, whether by conventional or nuclear excavation, and the estimated cost thereof. The President shall designate as Chairman one of the members of the Commission.

SEC. 2. The Commission is authorized to utilize the facilities of any department, agency, or instrumentality of the executive branch of the United States Government, and to obtain such services as it deems necessary in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

60 Stat. 810.
Report to President and Congress.

SEC. 3. The Commission shall report to the President for transmittal to Congress on July 31, 1965, with respect to its progress, and each year thereafter until the completion of its duties. The President shall submit such recommendations to the Congress as he deems advisable. The Commission shall continue until the President determines that its duties are completed, but not later than June 30, 1968.

Appropriation.

SEC. 4. There are hereby authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act, not to exceed \$17,500,000.

Approved September 22, 1964.

Public Law 88-610

AN ACT

September 24, 1964
[S. 49]

To provide for recognition by the United States of Alaska's one hundredth anniversary under the American flag, and for other purposes.

Alaska Centennial celebration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby recognizes the Alaska Centennial Celebration (hereinafter referred to as the "celebration") to be held at various locations in the State of Alaska during 1967, not only as an observance by the people of the forty-ninth State, but as an event of national significance.

Participation.

SEC. 2. (a) To implement the recognition declared in the first section of this Act, the President, through the Secretary of Commerce, may, in his discretion, cooperate with the Alaska Centennial Commission in the planning of the celebration and may, in his discretion, conduct a study to determine the manner in which and the extent, if any, to which the United States shall be a participant in and exhibitor at the celebration.

(b) The study authorized in subsection (a) may be made, in the discretion of the Secretary of Commerce, by personnel of the Depart-

ment of Commerce or under contract by one or more recognized professional experts in the fields of historical observances and industrial showmanship; and the findings derived from such study, together with such recommendations as the Secretary may deem appropriate (including detailed recommendations with respect to the manner and extent of United States participation in the celebration and the estimated itemized cost of such participation), shall be submitted to the Congress not later than March 15, 1965.

Report to
Congress.

SEC. 3. There is authorized to be appropriated the sum of \$15,000 to carry out this Act.

Appropriation.

Approved September 24, 1964.

Public Law 88-611

AN ACT

October 2, 1964
[S. 2049]

To authorize the Secretary of Commerce to accept gifts and bequests for the purposes of the Department of Commerce, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is hereby authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department of Commerce. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary of Commerce. Property accepted pursuant to this provision, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

Commerce Dept.
Gift acceptance.

SEC. 2. For the purpose of Federal income, estate, and gift taxes, property accepted under section 1 shall be considered as a gift or bequest to or for the use of the United States.

Tax status.

SEC. 3. Upon the request of the Secretary of Commerce, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund authorized herein. Income accruing from such securities, and from any other property accepted pursuant to section 1, shall be deposited to the credit of the fund authorized herein, and shall be disbursed upon order of the Secretary of Commerce.

Investment and
reinvestment of
funds.

SEC. 4. (a) The following provisions of law are repealed:

Repeals.

(1) Section 11 of the Act entitled "An Act to establish the National Bureau of Standards" approved March 3, 1901, as amended (15 U.S.C. 278a);

70 Stat. 959.

(2) Section 7 of the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883g);

61 Stat. 788.

(3) Subsection (g) of section 216 of the Merchant Marine Act, 1936 (46 U.S.C. 1126(g)).

75 Stat. 480.

(b) All gifts and bequests received under the provisions of law repealed by subsection (a) of this section and all funds held on the date of enactment of this Act in the United States Merchant Marine Academy general gift fund, established by subsection (g) of section 216 of the Merchant Marine Act, 1936, shall be transferred to the fund authorized by this Act and shall be administered in accordance with the provisions of this Act.

Transfer of
funds.

Approved October 2, 1964.

Public Law 88-612

October 2, 1964
[H. J. Res. 793]

JOINT RESOLUTION

Authorizing the United Spanish War Veterans to erect a memorial in the District of Columbia or its environs.

United Spanish
War Veterans.
Memorial.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United Spanish War Veterans are authorized to erect a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the men who served in the war with Spain, the Philippine Insurrection, and the China Relief Expedition (1898-1902).

Selection of
site.

SEC. 2. (a) The Secretary of the Interior is authorized and directed to select, with the approval of the National Commission of Fine Arts and the National Capital Planning Commission, a suitable site on public grounds in the District of Columbia, or its environs, upon which may be erected the memorial authorized in the first section of this Act: *Provided*, That if the site selected is on public grounds belonging to or under the jurisdiction of the government of the District of Columbia, the approval of the Board of Commissioners of the District of Columbia shall also be obtained.

(b) The design and plans for such memorial shall be subject to the approval of the Secretary of the Interior, the National Commission of Fine Arts, and the National Capital Planning Commission, and the United States or the District of Columbia shall be put to no expense in the erection thereof.

Conditions.

SEC. 3. The authority conferred pursuant to this joint resolution shall lapse unless (1) the erection of such memorial is commenced within five years from the date of enactment of this joint resolution, and (2) prior to its commencement funds are certified available in an amount sufficient, in the judgment of the Secretary of the Interior, to insure completion of the memorial.

SEC. 4. The maintenance and care of the memorial erected under the provisions of this Act shall be the responsibility of the Secretary of the Interior.

Approved October 2, 1964.

Public Law 88-613

October 2, 1964
[H. R. 11626]

AN ACT

To authorize the payment of expenses incident to the evacuation of dependents of military personnel from Panama and Cyprus.

Armed Forces.
Cyprus and
Panama evacua-
tions of depend-
ents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, under regulations to be prescribed by the Secretary of Defense, payments are authorized from current appropriations in consideration of extraordinary expenses incurred by reason of the evacuation from Panama and Cyprus to the United States in January 1964, and February 1964, of approximately two thousand dependents of military personnel. Payment in each case shall not exceed that amount which would be payable by law and regulation to a civilian employee under similar circumstances, and the total amount of payments shall not exceed \$500,000.

Approved October 2, 1964.

Public Law 88-614

AN ACT

October 2, 1964
[H. R. 5042]

For the relief of certain officers of the naval service erroneously in receipt of compensation based upon an incorrect computation of service for basic pay.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any member or former member of the naval service who—

Naval officers.

(a) as an enlisted member of the United States Naval Reserve, was appointed a midshipman in the United States Naval Reserve without termination of the enlistment contract; and

(b) was thereafter erroneously credited in the computation of his basic pay with a period of enlisted service on and after the date of appointment;

is relieved of all liability to refund to the United States the amounts, which were otherwise correct, received by him prior to March 15, 1961, as a result of the erroneous credit for service. Any person who has at any time repaid to the United States any amount paid to him based upon an erroneous credit for service as cited in this section is entitled to have refunded to him the amount repaid.

SEC. 2. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 3. Appropriations available for the pay and allowances of members of the naval service are available for refunds under this Act.

Refunds.

Approved October 2, 1964.

Public Law 88-615

AN ACT

October 2, 1964
[H. R. 11913]

To authorize the disposal, without regard to the prescribed six-month waiting period, of antimony from the national stockpile and the supplemental stockpile.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately five thousand short tons of antimony now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)). Such dispositions may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Antimony.
Disposal author-
ity.

60 Stat. 596.

73 Stat. 607.

Approved October 2, 1964.

Public Law 88-616

October 2, 1964
[H. R. 11332]

AN ACT

To authorize certain veterans' benefits for disability or death resulting from injuries sustained prior to January 1, 1957, by reservists while proceeding directly to or returning directly from active duty for training or inactive duty training.

Veterans' bene-
fits.
72 Stat. 1111.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 106(d)(2) of title 38, United States Code, is amended by striking out "after December 31, 1956."

Approved October 2, 1964.

Public Law 88-617

October 2, 1964
[H. R. 12091]

AN ACT

To authorize the disposal, without regard to the prescribed six-month waiting period, of approximately nine million five hundred thousand pounds of sisal from the national stockpile.

Sisal.
Disposal.

60 Stat. 597.

Publication in
Federal Register.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately nine million five hundred thousand pounds of sisal now held in the national stockpile. Such disposal may be made without regard to the provision of section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), that no disposition of materials held in the national stockpile shall be made prior to the expiration of six months after the publication in the Federal Register and the transmission to the Congress and to the Armed Services Committee of each House thereof of the notice of the proposed disposition required by said section 3(e).

Approved October 2, 1964.

Public Law 88-618

October 3, 1964
[H. R. 10328]

AN ACT

For the relief of certain commissioned officers of the Army or Air Force who were erroneously paid uniform allowance under the provisions of section 305 of the Career Compensation Act of 1949, as amended, and for other purposes.

Army and Air
Force.
Certain offi-
cers, relief.
70A Stat. 628.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all payments of uniform allowances made prior to the date of enactment of this Act under the provisions of section 305 of the Career Compensation Act of 1949, as amended (37 U.S.C. 255), to distinguished military graduates of the Reserve Officers' Training Corps or Air Force Reserve Officers' Training Corps, who were ordered to active duty as commissioned officers of a reserve component of the Army or Air Force while being considered for appointment in the Regular Army or Regular Air Force, are hereby validated. Any such officer or former officer who has made repayment to the United States of any amount so paid to him as uniform allowance is entitled to have refunded to him the amount repaid.

SEC. 2. Appropriations available to the military departments for the pay and allowances of officer personnel shall be available for payments under this Act.

Approved October 3, 1964.

Public Law 88-619

AN ACT

October 3, 1964
[H. R. 9435]

To improve judicial procedures for serving documents, obtaining evidence, and proving documents in litigation with international aspects.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1621 of title 18, United States Code, is amended to read:

“§ 1621. Perjury generally

“Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall, except as otherwise expressly provided by law, be fined not more than \$2,000 or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.”

SEC. 2. Section 3491 of title 18, United States Code, is amended to read:

“§ 3491. Foreign documents

“Any book, paper, statement, record, account, writing, or other document, or any portion thereof, of whatever character and in whatever form, as well as any copy thereof equally with the original, which is not in the United States shall, when duly certified as provided in section 3494 of this title, be admissible in evidence in any criminal action or proceeding in any court of the United States if the court shall find, from all the testimony taken with respect to such foreign document pursuant to a commission executed under section 3492 of this title, that such document (or the original thereof in case such document is a copy) satisfies the requirements of section 1732 of title 28, unless in the event that the genuineness of such document is denied, any party to such criminal action or proceeding making such denial shall establish to the satisfaction of the court that such document is not genuine. Nothing contained herein shall be deemed to require authentication under the provisions of section 3494 of this title of any such foreign documents which may otherwise be properly authenticated by law.”

SEC. 3. The Act of July 3, 1930, 46 Stat. 1005, as amended by the Act of June 7, 1933 (48 Stat. 117; 22 U.S.C., secs. 270 through 270g), is repealed.

SEC. 4. (a) Chapter 113 of title 28, United States Code, is amended by inserting therein, after section 1695:

“§ 1696. Service in foreign and international litigation

“(a) The district court of the district in which a person resides or is found may order service upon him of any document issued in connection with a proceeding in a foreign or international tribunal. The order may be made pursuant to a letter rogatory issued, or request made, by a foreign or international tribunal or upon application of any interested person and shall direct the manner of service. Service pursuant to this subsection does not, of itself, require the recognition or enforcement in the United States of a judgment, decree, or order rendered by a foreign or international tribunal.

“(b) This section does not preclude service of such a document without an order of court.”

Courts.
Judicial procedure, improvement.
62 Stat. 773.
Penalty.

Applicability.

62 Stat. 945;
75 Stat. 413.

Repeal.

28 USC 1691-1695.

(b) The analysis of chapter 113 of title 28, United States Code, is amended by inserting:

"1696. Service in foreign and international litigation."

after:

"1695. Stockholder's derivative action."

62 Stat. 948.

SEC. 5. (a) Section 1741 of title 28, United States Code, is amended to read:

"§ 1741. Foreign official documents

"An official record or document of a foreign country may be evidenced by a copy, summary, or excerpt authenticated as provided in the Federal Rules of Civil Procedure."

28 USC app.

28 USC 1731-1745.

(b) The analysis of chapter 115 of title 28, United States Code, is amended by striking:

"1741. Foreign documents generally; copies."

and inserting in place thereof:

"1741. Foreign official documents."

Repeal.

SEC. 6. (a) Section 1742 of title 28, United States Code, is repealed.

(b) The analysis of chapter 115 of title 28, United States Code, is amended by inserting after:

"1742. Land titles; foreign records."

the following:

"[Repealed]."

63 Stat. 103.

SEC. 7. (a) Section 1745 of title 28, United States Code, is amended to read:

"§ 1745. Copies of foreign patent documents

"Copies of the specifications and drawings of foreign letters patent, or applications for foreign letters patent, and copies of excerpts of the official journals and other official publications of foreign patent offices belonging to the United States Patent Office, certified in the manner provided by section 1744 of this title are prima facie evidence of their contents and of the dates indicated on their face."

(b) The analysis of chapter 115 of title 28, United States Code, is amended by striking:

"1745. Copies of foreign patent specifications and drawings."

and inserting in place thereof:

"1745. Copies of foreign patent documents."

62 Stat. 949.

SEC. 8. (a) Section 1781 of title 28, United States Code, is amended to read:

"§ 1781. Transmittal of letter rogatory or request

"(a) The Department of State has power, directly, or through suitable channels—

"(1) to receive a letter rogatory issued, or request made, by a foreign or international tribunal, to transmit it to the tribunal, officer, or agency in the United States to whom it is addressed, and to receive and return it after execution; and

"(2) to receive a letter rogatory issued, or request made, by a tribunal in the United States, to transmit it to the foreign or international tribunal, officer, or agency to whom it is addressed, and to receive and return it after execution.

"(b) This section does not preclude—

"(1) the transmittal of a letter rogatory or request directly from a foreign or international tribunal to the tribunal, officer, or

agency in the United States to whom it is addressed and its return in the same manner; or

“(2) the transmittal of a letter rogatory or request directly from a tribunal in the United States to the foreign or international tribunal, officer, or agency to whom it is addressed and its return in the same manner.”

(b) The analysis of chapter 117 of title 28, United States Code, is amended by striking: 28 USC 1781-1785.

“1781. Foreign witnesses.”

and inserting in place thereof:

“1781. Transmittal of letter rogatory or request.”

SEC. 9. (a) Section 1782 of title 28, United States Code, is amended to read: 62 Stat. 949.

“§ 1782. Assistance to foreign and international tribunals and to litigants before such tribunals

“(a) The district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal. The order may be made pursuant to a letter rogatory issued, or request made, by a foreign or international tribunal or upon the application of any interested person and may direct that the testimony or statement be given, or the document or other thing be produced, before a person appointed by the court. By virtue of his appointment, the person appointed has power to administer any necessary oath and take the testimony or statement. The order may prescribe the practice and procedure, which may be in whole or part the practice and procedure of the foreign country or the international tribunal, for taking the testimony or statement or producing the document or other thing. To the extent that the order does not prescribe otherwise, the testimony or statement shall be taken, and the document or other thing produced, in accordance with the Federal Rules of Civil Procedure. 28 USC app.

“A person may not be compelled to give his testimony or statement or to produce a document or other thing in violation of any legally applicable privilege.

“(b) This chapter does not preclude a person within the United States from voluntarily giving his testimony or statement, or producing a document or other thing, for use in a proceeding in a foreign or international tribunal before any person and in any manner acceptable to him.”

(b) The analysis of chapter 117 of title 28, United States Code, is amended by striking:

“1782. Testimony for use in foreign countries.”

and inserting in place thereof:

“1782. Assistance to foreign and international tribunals and to litigants before such tribunals.”

SEC. 10. (a) Section 1783 of title 28, United States Code, is amended to read:

“§ 1783. Subpoena of person in foreign country

“(a) A court of the United States may order the issuance of a subpoena requiring the appearance as a witness before it, or before a person or body designated by it, of a national or resident of the United States who is in a foreign country, or requiring the production of a specified document or other thing by him, if the court finds that particular testimony or the production of the document or other thing by him is necessary in the interest of justice, and, in other than a

criminal action or proceeding, if the court finds, in addition, that it is not possible to obtain his testimony in admissible form without his personal appearance or to obtain the production of the document or other thing in any other manner.

62 Stat. 949.

28 USC app.

“(b) The subpoena shall designate the time and place for the appearance or for the production of the document or other thing. Service of the subpoena and any order to show cause, rule, judgment, or decree authorized by this section or by section 1784 of this title shall be effected in accordance with the provisions of the Federal Rules of Civil Procedure relating to service of process on a person in a foreign country. The person serving the subpoena shall tender to the person to whom the subpoena is addressed his estimated necessary travel and attendance expenses, the amount of which shall be determined by the court and stated in the order directing the issuance of the subpoena.”

(b) The analysis of chapter 117 of title 28, United States Code, is amended by striking:

“1783. Subpoena of witness in foreign country.”

and inserting in place thereof:

“1783. Subpoena of person in foreign country.”

SEC. 11. Section 1784 of title 28, United States Code, is amended to read:

“§ 1784. Contempt

“(a) The court of the United States which has issued a subpoena served in a foreign country may order the person who has failed to appear or who has failed to produce a document or other thing as directed therein to show cause before it at a designated time why he should not be punished for contempt.

“(b) The court, in the order to show cause, may direct that any of the person's property within the United States be levied upon or seized, in the manner provided by law or court rules governing levy or seizure under execution, and held to satisfy any judgment that may be rendered against him pursuant to subsection (d) of this section if adequate security, in such amount as the court may direct in the order, be given for any damage that he might suffer should he not be found in contempt. Security under this subsection may not be required of the United States.

“(c) A copy of the order to show cause shall be served on the person in accordance with section 1783(b) of this title.

Penalty.

“(d) On the return day of the order to show cause or any later day to which the hearing may be continued, proof shall be taken. If the person is found in contempt, the court, notwithstanding any limitation upon its power generally to punish for contempt, may fine him not more than \$100,000 and direct that the fine and costs of the proceedings be satisfied by a sale of the property levied upon or seized, conducted upon the notice required and in the manner provided for sales upon execution.”

Repeal.

SEC. 12. (a) Section 1785 of title 28, United States Code, is repealed.

(b) The analysis of chapter 117 of title 28, United States Code, is amended by striking:

“1785. Privilege against incrimination.”

Approved October 3, 1964.

Public Law 88-620

AN ACT

October 3, 1964
[H. R. 2501]

To authorize the promotion of qualified Reserve officers of the Army and the Air Force to existing unit vacancies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clauses (6) and (48), section 1, of the Act of June 30, 1960, Public Law 86-559 (74 Stat. 264), are each amended by striking out "July 1, 1964" in the last sentence and inserting "July 1, 1965" in place thereof.

Army and Air
Force Reserve
officers.
Promotions.
10 USC 3212
note, 8212 note.
74 Stat. 270.

SEC. 2. Section 3383(e) of title 10, United States Code, is amended by striking out "July 1, 1964" and inserting "July 1, 1965" in place thereof.

Approved October 3, 1964.

Public Law 88-621

AN ACT

October 3, 1964
[H. R. 2512]

To clarify the status of members of the National Guard while attending or instructing at National Guard schools established under the authority of the Secretary of the Army or Secretary of the Air Force, as the case may be, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 32, United States Code, is amended as follows:

National Guard
members.
Status.
70A Stat. 610.

(1) Section 502 is amended by adding the following new subsection at the end thereof:

"(f) Under regulations to be prescribed by the Secretary of the Army or Secretary of the Air Force, as the case may be, a member of the National Guard may—

"(1) without his consent, but with the pay and allowances provided by law; or

"(2) with his consent, either with or without pay and allowances;

be ordered to perform training or other duty in addition to that prescribed under subsection (a). Duty without pay shall be considered for all purposes as if it were duty with pay."

(2) Section 504 is amended to read as follows:

"§ 504. National Guard schools and small arms competitions

"(a) Under regulations to be prescribed by the Secretary of the Army or Secretary of the Air Force, as the case may be, members of the National Guard may—

"(1) attend schools conducted by the Army or the Air Force, as appropriate;

"(2) conduct or attend schools conducted by the National Guard; or

"(3) participate in small arms competitions.

"(b) Activities authorized under subsection (a) for members of the National Guard of a State or territory, Puerto Rico, the Canal Zone, or the District of Columbia may be held inside or outside its boundaries."

Approved October 3, 1964.

Public Law 88-622

AN ACT

October 3, 1964
[S. 1082]

To establish in the Treasury a correctional industries fund for the government of the District of Columbia, and for other purposes.

D.C.
Correctional in-
dustries fund.

D.C. Code 47-
131.
Availability and
use.

Funds from
products and serv-
ices, disposition.

Annual report.

Profits reten-
tion, limitation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established in the Treasury a revolving fund for the government of the District of Columbia to be known as the correctional industries fund (hereinafter referred to as the "fund") to replace the working capital fund created by Public Law 493, Seventy-ninth Congress, approved July 9, 1946 (60 Stat. 514), as amended.

SEC. 2. The fund shall be available without fiscal-year limitation and shall be used for the performance of such services and the production of such commodities as, in the judgment of the Board of Commissioners of the District of Columbia (hereinafter referred to as "Commissioners"), will contribute to the rehabilitation, knowledge, and skill in trades and occupations of inmates of the institutions in the Department of Corrections of the District of Columbia, thereby equipping them with a means of livelihood upon release. The accounting for the fund shall be maintained on the accrual basis, including provision for employees' accrued annual leave and depreciation of fixed assets, and financial reports shall be prepared on the basis of such accounting.

SEC. 3. Products and services produced by utilization of the fund may be purchased, at fair market prices as determined by the Commissioners, by any department or agency of the District of Columbia government, the Federal Government, any State or subdivision of a State or any Commonwealth, territory, or possession of the United States. Receipts from the sales of products and services shall be deposited to the credit of the fund. The fund shall be used for all necessary expenses directly related to the fund, including personal services; payments to inmates, or payments to their dependents, of such pecuniary earnings as the Commissioners deem proper; purchase, repair, and maintenance of equipment; purchase of raw materials and supplies; payment of dues and expenses of attendance at meetings and conventions, as approved by the Commissioners; maintenance and repair of buildings used for fund purposes; alteration of existing facilities used for fund purposes where the total project cost does not exceed \$10,000; and, within the limits of amounts provided in annual appropriation Acts, acquisition and improvement of real property.

SEC. 4. Not later than six months after the end of each fiscal year, the Director of the Department of Corrections of the District of Columbia shall submit to the Commissioners a report of the financial condition of the fund and the results of operations for such fiscal year. The Commissioners shall review such report and determine the disposition to be made of realized profits. The Commissioners are empowered to authorize retention of accumulated profits for the purpose of acquiring or improving personal property, or to increase working capital to planned operating levels. In no case, however, shall such profits retained for these purposes increase the net worth of the fund beyond \$2,500,000. The Commissioners are also empowered to authorize retention of accumulated profits for payments to inmates, other than those employed in industrial operations, or for payments to their dependents, of such amounts as the Commissioners deem proper. Accumulated profits not retained or used for the aforementioned purposes, or which exceed the limitation imposed, shall be deposited to the credit of the general revenues of the District of Columbia.

SEC. 5. All assets except buildings and all liabilities or other obligations which at the time of enactment of this Act are components of the working capital fund, Workhouse and Reformatory, as created by Public Law 493, Seventy-ninth Congress, approved July 9, 1946 (60 Stat. 514, ch. 544, sec. 1), shall be transferred to the fund created by the first section of this Act.

Transfers to
fund.

SEC. 6. The paragraph beginning with the caption "WORKING CAPITAL FUND" under the heading "ADULT CORRECTIONAL SERVICE" in the first section of the Act approved July 9, 1946 (60 Stat. 514, ch. 544), creating the working capital fund for the industrial enterprises at the Workhouse and Reformatory, and the proviso in the paragraph following the caption "OPERATING EXPENSES" under the heading "DEPARTMENT OF CORRECTIONS" in the first section of the Act approved July 5, 1952 (66 Stat. 380), authorizing the retention of not to exceed \$50,000 of accumulated profits in the working capital fund as additional working capital, are hereby repealed.

D.C. Code 47-
131.

Repeal.

SEC. 7. Nothing in this Act shall be construed so as to affect the authority vested in the Commissioners by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Commissioners or in any office or agency under the jurisdiction and control of said Commissioners may be performed by the Commissioners or may be delegated by said Commissioners in accordance with section 3 of such plan.

D.C. Code title
1 app.

SEC. 8. This Act shall take effect July 1, 1963.

Effective date.

Approved October 3, 1964.

Public Law 88-623

AN ACT

To provide for the promulgation of rules of practice and procedure under the Bankruptcy Act, and for other purposes.

October 3, 1964
[H. R. 2859]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 28 of the United States Code is amended by inserting in chapter 131 thereof immediately following section 2074 of that chapter a new section reading as follows:

Bankruptcy Act.
Rules of prac-
tice and procedure.
28 USC 2071-
2074.

"§ 2075. Bankruptcy rules

"The Supreme Court shall have the power to prescribe by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure under the Bankruptcy Act.

"Such rules shall not abridge, enlarge, or modify any substantive right.

30 Stat. 544;
52 Stat. 840.
11 USC 1 note.

"Such rules shall not take effect until they have been reported to Congress by the Chief Justice at or after the beginning of a regular session thereof but not later than the first day of May and until the expiration of ninety days after they have been thus reported.

"All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect."

SEC. 2. The analysis of chapter 131 of title 28 of the United States Code, immediately preceding section 2071 of that chapter, is amended by inserting therein immediately after item 2074 thereof a new item reading as follows:

"2075. Bankruptcy rules."

SEC. 3. Section 30 of the Bankruptcy Act is repealed but its repeal shall not operate to invalidate or repeal rules, forms, or orders prescribed under the authority of that section by the Supreme Court prior to the enactment of this Act.

Repeal.
30 Stat. 554.

Approved October 3, 1964.

Public Law 88-624

AN ACT

October 3, 1964
[H. R. 2509]

To authorize Reserve officers to combine service in more than one reserve component in computing the four years of satisfactory Federal service necessary to qualify for the uniform maintenance allowance.

Reserve officers.
Uniform allow-
ance.
76 Stat. 477.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 416(a) of title 37, United States Code, is amended—

(1) by striking out the words “in a reserve component” and inserting the words “in one or more reserve components” in place thereof; and

(2) by striking out the figure “1332” and inserting the figure “1332(a) (2)” in place thereof.

Limitation.

SEC. 2. The amendments made by this Act do not entitle an officer to an allowance for any four-year period of service completed prior to the effective date of this Act.

Approved October 3, 1964.

Public Law 88-625

AN ACT

October 3, 1964
[H. R. 12033]

To further amend the transitional provisions of the Act approved September 6, 1958, entitled “An Act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety”, and for other purposes.

Food Additives
Transitional Pro-
visions Amend-
ment of 1964.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Food Additives Transitional Provisions Amendment of 1964”.

21 USC 342
note.

SEC. 2. The penultimate sentence of subsection (c) of section 6 of the Food Additives Amendment of 1958 (Public Law 85-929, 72 Stat. 1784, 1788), as added by the “Food Additives Transitional Provisions Amendment of 1961” (Public Law 87-19, 75 Stat. 42), is hereby further amended by inserting before the period at the end thereof a colon and the following: “*Provided*, That if the Secretary has, pursuant to this sentence, granted an extension to June 30, 1964, he may, upon making the findings required by clause (1) (B) of this subsection and clauses (i) and (ii) of this sentence, further extend such effective date, but not beyond December 31, 1965”.

7 USC 135
note.

SEC. 3. The penultimate sentence of section 3 of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 (Public Law 86-139, 73 Stat. 286, 288), as added by the “Food Additives Transitional Provisions Amendment of 1961” (Public Law 87-19, 75 Stat. 42), is hereby further amended by inserting before the period at the end thereof a colon and the following: “*Provided*, That if the Secretary has, pursuant to this sentence, granted an extension to June 30, 1964, he may, upon making the findings required by clause (1) of this paragraph (b) and clauses (A) and (B) of this sentence, further extend such expiration date, but not beyond December 31, 1965”.

Approved October 3, 1964.

Public Law 88-626

AN ACT

October 3, 1964
[H. R. 2753]

To disclaim any title of the United States to certain real property in Modoc County, California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States disclaims any right, title, or interest it may have, derived from its original ownership of the land as acquired by the Treaty of Guadalupe Hidalgo, including, without limitation, any right, title, or interest stemming from the doctrines of accretion, reliction, or lands omitted from survey, in or to real property situated in the bed or former bed of Pelican Lake, also known as Cowhead Lake, in township 47 north, range 17 east, Mount Diablo meridian, Modoc County, California.

Modoc County,
Calif.

Approved October 3, 1964.

Public Law 88-627

AN ACT

October 6, 1964
[H. R. 4989]

To amend title 28 of the United States Code to transfer the counties of Genesee and Shiawassee in the State of Michigan from the Northern Division to the Southern Division of the Eastern Judicial District and to authorize a term of court at Ann Arbor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 (a) (1), (2) is amended to read as follows:

“(a) The Eastern District comprises two divisions.

“(1) The Southern Division comprises the counties of Genesee, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, Saint Clair, Sanilac, Shiawassee, Washtenaw, and Wayne.

“Court for the Southern Division shall be held at Ann Arbor, Detroit, Flint, and Port Huron.

“(2) The Northern Division comprises the counties of Alcona, Alpena, Arenac, Bay, Cheboygan, Clare, Crawford, Gladwin, Gratiot, Huron, Iosco, Isabella, Midland, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, and Tuscola.

“Court for the Northern Division shall be held at Bay City.”

Approved October 6, 1964.

Courts.
Eastern District
of Michigan, re-
organization.
62 Stat. 882;
68 Stat. 11.

Public Law 88-628

JOINT RESOLUTION

October 6, 1964
[H. J. Res. 753]

To authorize the President to proclaim October 15 of each year as White Cane Safety Day.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to issue annually a proclamation designating October 15 as White Cane Safety Day and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Approved October 6, 1964.

White Cane
Safety Day.
Proclamation.

Public Law 88-629

AN ACT

October 6, 1964
[S. 1024]

To authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes.

D.C.
Relocation
services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are hereby authorized to provide such relocation services as they shall determine to be reasonable and necessary to individuals, families, business concerns, and nonprofit organizations which may be or have been displaced from real property by actions of the United States or of the government of the District of Columbia, except the District of Columbia Redevelopment Land Agency, such actions to include, but not be limited to, acquisition of property for public works projects, condemnation of unsafe and insanitary buildings, and enforcement of the laws and regulations relating to housing. The Commissioners shall provide that such individuals and families so displaced shall be given the same preference with respect to vacancies occurring in housing owned or operated within the District of Columbia by Federal or District of Columbia governmental agencies as is provided in section 8(b) of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5-707(b)). The Commissioners are authorized to make housing surveys in order to carry out this Act.

60 Stat. 797.

Payments for
expenses.

SEC. 2. The Commissioners are hereby authorized to make relocation payments to individuals, families, business concerns, and nonprofit organizations for their reasonable and necessary moving expenses and any actual direct losses of property except goodwill or profit caused by their displacement from real property acquired by the Commissioners after the effective date of this Act for public works projects of the government of the District of Columbia, except the District of Columbia Redevelopment Land Agency. No such payment shall be made in any case where a payment for a similar purpose is authorized by any other Act. Such relocation payments shall be made in accordance with regulations prescribed by the Commissioners and shall not for any one relocation exceed \$200 in the case of an individual or family or \$3,000 (or, if greater, the total certified actual moving expense not to exceed \$25,000) in the case of a business concern or nonprofit organization.

Housing.

SEC. 3. Prior to the acquisition of real property for any public works project of the government of the District of Columbia the Commissioners shall make the same determinations with respect to the availability of housing for displaced individuals and families as is required by section 8(a) of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5-707(a)).

District of
Columbia Reloca-
tion Assistance
Office.

SEC. 4. There is hereby established within the District of Columbia Redevelopment Land Agency an office to be known as the District of Columbia Relocation Assistance Office (hereinafter referred to as the "Office"). The Office shall provide the relocation services authorized by the first section of this Act, administer the payments authorized by section 2 of this Act, and provide the relocation assistance which the District of Columbia Redevelopment Land Agency is authorized to provide by the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5-701 et seq.) and any other Act.

60 Stat. 790.

Regulations.

SEC. 5. The Commissioners are hereby authorized to make regulations to carry out the purposes of this Act.

Effective date.

SEC. 6. This Act shall take effect sixty days after the date of its approval.

Approved October 6, 1964.

Public Law 88-630

AN ACT

To establish the Lewis and Clark Trail Commission, and for other purposes.

October 6, 1964
[H. R. 12289]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established an advisory and coordinating commission to be known as the "Lewis and Clark Trail Commission" (hereinafter referred to as the "Commission"), which shall be composed of twenty-seven members.

Lewis and Clark
Trail Commission.
Establishment.

PURPOSE AND FUNCTIONS OF COMMISSION

SEC. 2. In furtherance of the objectives set forth in H. Con. Res. 61, which expressed the sense of the Congress that the route traversed by Captains Meriwether Lewis and William Clark on their expedition of 1804-1806 from Saint Louis, Missouri, to the Pacific Northwest should be identified, marked, and kept available for the inspiration and enjoyment of the American people; in order to advance public awareness and knowledge of the far-reaching and historic significance of the Lewis and Clark Expedition; in order to supplement such awareness with an appreciation of the great resources of the vast region through which the Lewis and Clark Trail extended, and thereby to encourage desirable long-term conservation objectives in the public interest of the people of that region and the Nation as well as the public use and outdoor recreation benefits therefrom, the Commission is authorized to review proposals prepared at the request of the Commission, or by other agencies on their own initiative, to carry out the purposes of this Act. The Commission may make recommendations to agencies of the Federal Government, States, and other public and private agencies, but the functions and responsibilities of the Commission hereunder shall not operate to restrict or inhibit the aforesaid agencies in any operations they may otherwise undertake in carrying out the general objectives referred to in this Act. The Commission is authorized also to render advice in a manner that will encourage the development by State or Federal agencies of a suitable connecting network of roads following the general route of the Lewis and Clark Trail with appropriate markers for such roads.

77 Stat. 946.

MEMBERSHIP OF COMMISSION

SEC. 3. The Commission shall comprise the following—

(a) Ten members to serve, subject to their acceptance of membership, on behalf of the States of Missouri, Kansas, Iowa, Nebraska, South Dakota, North Dakota, Montana, Idaho, Washington, and Oregon; the individual member from each State being the Governor thereof or his designated representative;

(b) Four members, who shall be Members of the House of Representatives, two from each party, to be appointed by the Speaker of the House of Representatives;

(c) Four members, who shall be Members of the Senate, two from each party, to be appointed by the President of the Senate;

(d) Five members, who shall be the Secretaries of the following Departments, or their designated representatives: Interior; Agriculture; Defense; Health, Education, and Welfare; and Commerce;

(e) Four members, who shall be appointed by the J. N. "Ding" Darling Foundation (a nonprofit corporation).

ORGANIZATION OF THE COMMISSION

SEC. 4. (a) The Chairman of the Commission shall be elected for such term as may be determined by the membership thereof. The Secretary of the Interior shall convene the first meeting of the Commission within ninety days following enactment of this Act at such time and place as he may designate;

(b) The Chairman shall designate a Vice Chairman from members of the Commission;

(c) Any vacancy in the membership of the Commission shall be filled in the same manner in which the original appointment was made;

(d) Where any member ceases to serve in the official position from which originally appointed under section 3, his place on the Commission shall be deemed to be vacant;

(e) The Commission is authorized to issue such rules and regulations as it may consider desirable in the conduct of its activities pursuant to this Act.

POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 5. (a) The Commission may hold hearings at such times and places as it deems advisable for purposes of this Act.

(b) Each department, agency, and instrumentality of the executive branch of the Government is authorized to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions. Any Federal agency is hereby authorized to furnish the Commission with suitable office space to carry out its functions.

(c) The head of each Department or agency shall cooperate with the Commission in the performance of its functions and shall provide the Commission with such technical services and assistance as may be necessary and available.

COMPENSATION OF COMMISSION MEMBERS

SEC. 6. (a) Members of the Commission shall serve without compensation.

(b) Members of the Commission, upon approval of the Chairman, shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

REPORTS AND RECOMMENDATIONS

SEC. 7. Within two years following the approval of this Act, the Commission shall submit a report concerning its activities. Such report shall be submitted, together with any recommendations it may have to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, and to other Federal and State agencies named in this Act. The Commission may thereafter from time to time as indicated by circumstances, but at least every two years, submit such additional reports as it may deem appropriate. The final report of the said Commission shall be submitted no later than five years following the approval of this Act, at which time the Commission shall cease to exist. The records and property of the Commission shall be turned over to the Secretary of the Interior for such use or disposition as he shall find to be appropriate.

DONATIONS, EXPENDITURES, ACCOUNTS

SEC. 8. (a) The Commission is authorized to accept donations of personal services or property to assist in carrying out the purposes of this Act. The Commission may secure supplies, services, make contracts, and exercise those powers generally that it deems necessary to enable it to carry out effectively and in the public interest the purposes of this Act.

(b) Expenditures of the Commission shall be paid by an executive officer designated from among its membership, who shall keep complete and accurate records of such expenditures and who shall account for all funds received by the Commission. Such accounts shall be subject to audit by the General Accounting Office of the United States.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 9. There is authorized to be appropriated annually, through the Department of the Interior and related agencies appropriation Acts, not to exceed the sum of \$25,000 to carry out the provisions of this Act.

Approved October 6, 1964.

Public Law 88-631

AN ACT

October 6, 1964
[H. R. 5932]

To amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such Act, to amend the Federal Employees Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers, to provide for retroactive salary increases for certain civilian employees of the Federal Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Federal Employees Health Benefits Act of 1959 (73 Stat. 710; 5 U.S.C. 3002(a)) is amended by striking out the period at the end thereof and inserting in lieu thereof the following: “: *Provided*, That no teacher in the employ of the Board of Education of the District of Columbia, whose salary is established by section 1 of the District of Columbia Teachers’ Salary Act of 1955 (69 Stat. 521), as amended (sec. 31-1501, D.C. Code, 1961 edition), shall be excluded on the basis of the fact that such teacher is serving under a temporary appointment if such teacher has been so employed by such Board for a period or periods totaling not less than two school years.”

D.C. temporary teachers.
Health and life insurance benefits.

Ante, p. 882.

SEC. 2. Section 2(a) of the Federal Employees’ Group Life Insurance Act of 1954 (68 Stat. 736), as amended (5 U.S.C. 2091(a)), is amended by striking out the period at the end thereof and inserting in lieu thereof the following: “and in no event shall any teacher in the employ of the Board of Education of the District of Columbia, whose salary is established by section 1 of the District of Columbia Teachers’ Salary Act of 1955 (69 Stat. 521), as amended (sec. 31-1501, D.C. Code, 1961 edition), be excluded on the basis of the fact that such teacher is serving under a temporary appointment if such teacher has been so employed by such Board for a period or periods totaling not less than two school years.”

Eligibility.

Ante, p. 435.

Federal Govern-
ment and D.C.
employees.
Retroactive sal-
ary increase.

SEC. 3. (a) Title V of the Government Employees Salary Reform Act of 1964 (Public Law 88-426), is amended by adding a new section, to read as follows:

"SEC. 503. (a) Notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the rates of compensation of officers and employees of the Federal Government and of the municipal government of the District of Columbia whose rates of compensation are fixed by administrative action pursuant to law and are not otherwise increased by this Act are hereby authorized to be increased, effective on or after the effective date prescribed by section 501(a), by amounts not to exceed the increases provided by this Act for corresponding rates of compensation in the appropriate schedule, scale, or level of pay.

"(b) Nothing contained in this section shall be deemed to authorize any increase in the rates of compensation of officers and employees whose rates of compensation are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(c) Nothing contained in this section shall affect the authority contained in any law pursuant to which rates of compensation may be fixed by administrative action."

Ante, p. 428.

(b) Section 508 of title 28, United States Code, as amended by section 306(a)(1) of the Federal Executive Salary Act of 1964, is amended by striking out "subsection (f)" and inserting in lieu thereof "subsections (f) and (g)".

(c) Section 306(a)(2) of the Federal Executive Salary Act of 1964 is amended by striking out "section 303(f)" and inserting in lieu thereof "section 303 (f) and (g)."

Ante, p. 430.

(d) The third sentence of section 2 of the Act of May 29, 1959, as amended by section 306(h) of the Federal Executive Salary Act of 1964, is amended by striking out "subsection (f)" and inserting in lieu thereof "subsections (f) and (g)".

Ante, p. 432.

(e) Section 308 of the Federal Executive Salary Act of 1964 is amended by inserting after "Federal Reserve Act (12 U.S.C. 248)," in the second sentence, the following: "in section 121 of title 2 of the Panama Canal Zone Code (76A Stat. 15)."

Effective dates.

SEC. 4. The foregoing provisions of this Act shall take effect upon the first day of the first month which begins not later than the sixtieth day after the date of its enactment, except that section 3 of this Act shall take effect as of the first day of the first pay period which began on or after July 1, 1964.

Approved October 6, 1964.

Public Law 88-632

AN ACT

October 6, 1964
[H. R. 10204]

To extend the Osage mineral reservation for an indefinite period.

Osage Indians.
Mineral estate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of June 24, 1938 (52 Stat. 1034), which extends the mineral estate reserved to the Osage Tribe by the Act of June 28, 1906 (34 Stat. 539), until April 8, 1983, unless otherwise provided by Act of Congress, is hereby amended by striking the word "unless" and substituting therefor "and thereafter until".

Approved October 6, 1964.

Public Law 88-633

AN ACT

To amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

October 7, 1964
[H. R. 11380]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Assistance Act of 1964".

Foreign Assistance Act of 1964.

PART I

CHAPTER 2—DEVELOPMENT ASSISTANCE

TITLE I—DEVELOPMENT LOAN FUND

SEC. 101. Section 201(d) of the Foreign Assistance Act of 1961, as amended, which relates to the Development Loan Fund, is amended as follows:

77 Stat. 380.
22 USC 2161.

- (a) Strike out "Foreign Assistance Act of 1963" and substitute "Foreign Assistance Act of 1964".
- (b) Strike out "2 per centum" and substitute "2½ per centum".
- (c) Strike out "three-fourths of 1 per centum" and substitute "1 per centum".

TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

SEC. 102. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to development grants and technical cooperation, is hereby amended as follows:

(a) Amend the title heading to read as follows: "TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT GRANTS".

22 USC 2172.

(b) Amend section 212, which relates to authorization, by striking out "1964" and "\$220,000,000" and substituting "1965" and "\$215,000,000", respectively.

22 USC 2174.

(c) Amend section 214(c), which relates to American schools and hospitals abroad, by striking out "1964, \$19,000,000" and substituting "1965, \$18,000,000", and by striking out the second sentence.

75 Stat. 429.
22 USC 2176.

(d) Amend section 216(a), which relates to voluntary agencies, by inserting after "ports" the first time it appears, the words "or, in the case of excess or surplus property supplied by the United States, from foreign ports".

(e) Add the following new section at the end thereof:

"SEC. 217. USED EQUIPMENT.—The President is authorized to use funds made available for the purposes of section 211 to conduct a study and investigation to determine the feasibility of establishing programs for the furnishing to less developed friendly countries and areas of used tools, machinery, and other equipment to be donated by private enterprises, or acquired through normal channels of trade, and the extent to which such programs are likely to be utilized by and contribute to the economic development of the receiving country. The President shall submit to the Congress at the earliest practicable date a report of the results of such study and investigation, together with such recommendations for legislation as he deems advisable."

75 Stat. 427;
76 Stat. 256.
22 USC 2171.

Report to Congress.

TITLE III—INVESTMENT GUARANTIES

SEC. 103. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to investment guaranties, is hereby amended as follows:

76 Stat. 256;
77 Stat. 381.
22 USC 2181.

(a) Amend section 221(b)(2), which relates to general authority, as follows:

(1) Strike out "\$180,000,000" in the third proviso and substitute "\$300,000,000".

22 USC 2184.

(2) Strike out "1965" in the last proviso and substitute "1966".

(b) Amend section 224(b), which relates to housing projects in Latin American countries, by striking out "\$150,000,000" and substituting "\$250,000,000".

TITLE IV—SURVEYS OF INVESTMENT OPPORTUNITIES

76 Stat. 257.
22 USC 2192.

SEC. 104. Section 232 of the Foreign Assistance Act of 1961, as amended, which relates to surveys of investment opportunities, is amended by striking out "1963" and "\$2,000,000" and substituting "1965" and "\$2,100,000", respectively.

TITLE VI—ALLIANCE FOR PROGRESS

77 Stat. 383.
22 USC 2212.

SEC. 105. Section 252 of the Foreign Assistance Act of 1961, as amended, which relates to the Alliance for Progress, is amended by striking out in the first sentence the words beginning with "of the funds" the first time they appear through the words "fiscal year 1964" and substituting "in each of the fiscal years 1963 and 1964 and \$85,000,000 in fiscal year 1965 of the funds appropriated pursuant to this section for use beginning in each such fiscal year".

CHAPTER 3—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

75 Stat. 433;
77 Stat. 383.
22 USC 2222.

SEC. 106. Section 302 of the Foreign Assistance Act of 1961, as amended, which relates to international organizations and programs, is amended as follows:

(a) Strike out "1964" and "\$136,050,000" and substitute "1965" and "\$134,272,400", respectively.

(b) At the end thereof, add the following new sentence: "None of the funds available to carry out this chapter shall be contributed to any international organization or to any foreign government or agency thereof to pay the costs of developing or operating any volunteer program of such organization, government, or agency relating to the selection, training, and programing of volunteer manpower."

CHAPTER 4—SUPPORTING ASSISTANCE

22 USC 2242.

Reports to
Congress.

SEC. 107. Section 402 of the Foreign Assistance Act of 1961, as amended, which relates to supporting assistance, is amended by striking out "1964" and "\$380,000,000" and substituting "1965" and "\$405,000,000", respectively, and by adding at the end thereof the following new sentence: "Of the funds made available for the fiscal year 1965 to carry out the purposes of this chapter, not less than \$200,000,000 shall be available solely for use in Vietnam, unless the President determines otherwise and promptly reports such determination to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives."

CHAPTER 5—CONTINGENCY FUND

22 USC 2261.

SEC. 108. Section 451(a) of the Foreign Assistance Act of 1961, as amended, which relates to the contingency fund, is amended by striking out "1964" and "\$160,000,000" and substituting "1965" and "\$150,000,000", respectively.

PART II

CHAPTER 2—MILITARY ASSISTANCE

SEC. 201. Chapter 2 of part II of the Foreign Assistance Act of 1961, as amended, which relates to military assistance, is amended as follows:

(a) Amend section 503, which relates to general authority, as follows:

75 Stat. 435.
22 USC 2311.

(1) In subsection (c) strike out "and" at the end thereof and in subsection (d) strike out the period at the end thereof and substitute "; and".

(2) Add the following new subsection (e):

"(e) guarantying, insuring, coinsuring, and reinsuring any individual, corporation, partnership, or other association doing business in the United States against political and credit risks of nonpayment arising in connection with credit sales financed by such individual, corporation, partnership or other association for defense articles and defense services procured in the United States by such friendly country or international organization."

77 Stat. 384.
22 USC 2312.

(b) Amend section 504(a), which relates to authorization, by striking out "1964" and "\$1,000,000,000" and substituting "1965" and "\$1,055,000,000", respectively, and by adding at the end thereof the following new sentence: "Of the funds made available for the fiscal year 1965 to carry out the purposes of this part, not less than \$200,000,000 shall be available solely for use in Vietnam, unless the President determines otherwise and promptly reports such determination to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives."

Reports to
Congress.

(c) Amend section 507(b), which relates to sales, by inserting after "are due" at the end of the first sentence the following: "": *Provided*, That the President may, when he determines it to be in the national interest, accept a dependable undertaking to make full payment within one hundred and twenty days after delivery of the defense articles, or the rendering of the defense services, and appropriations available to the Department of Defense may be used to meet the payments required by the contracts and shall be reimbursed by the amounts subsequently received from the country or international organization".

75 Stat. 437.
22 USC 2315.

(d) Amend section 509, which relates to exchanges, as follows:

22 USC 2317.

(1) The section heading is amended to read as follows:

"EXCHANGES AND GUARANTIES".

(2) After the section heading insert "(a)".

(3) Add the following new subsection (b):

"(b) In issuing guaranties, insurance, coinsurance, and reinsurance, the President may enter into contracts with exporters, insurance companies, financial institutions, or others, or groups thereof, and where appropriate may employ any of the same to act as agent in the issuance and servicing of such guaranties, insurance, coinsurance, and reinsurance, and the adjustment of claims arising thereunder. Fees and premiums shall be charged in connection with contracts of guaranty, insurance, coinsurance, and reinsurance. Obligations shall be recorded against the funds available for credit sales under this part in an amount not less than 25 per centum of the contractual liability related to any guaranty, insurance, coinsurance, and reinsurance issued pursuant to this part and the funds so obligated together with fees and premiums shall constitute a single reserve for the payment of claims under such contracts. Any guaranties, insurance, coinsur-

ance, and reinsurance issued pursuant to this part shall be considered contingent obligations backed by the full faith and credit of the United States of America."

77 Stat. 384.
22 USC 2318.

(e) Section 510(a), which relates to special authority, is amended by striking out "1964" in the first and second sentences thereof and substituting "1965".

22 USC 2320.

(f) Section 512, which relates to restrictions on military aid to Africa, is amended by striking out "1964" and substituting "1965".

Defense arti-
cles.

(g) Add the following new section at the end thereof:

"SEC. 513. CERTIFICATION OF RECIPIENT'S CAPABILITY.—(a) Except as provided in subsection (b) of this section, no defense article having a value in excess of \$100,000 shall hereafter be furnished to any country or international organization under the authority of this Act (except under the authority of section 507) unless the chief of the appropriate military assistance advisory group representing the United States with respect to defense articles used by such country or international organization or the head of any other group representing the United States with respect to defense articles used by such country or international organization has certified in writing within six months prior to delivery that the country or international organization has the capability to utilize effectively such article in carrying out the purposes of this part.

75 Stat. 437.
22 USC 2315.

"(b) Defense articles included in approved military assistance programs may be furnished to any country or international organization for which the certification required by subsection (a) of this section cannot be made when determined necessary and specifically approved in advance by the Secretary of State (or, upon appropriate delegation of authority by an Under Secretary or Assistant Secretary of State) and the Secretary of Defense (or, upon appropriate delegation of authority by the Deputy Secretary or an Assistant Secretary of Defense). The Secretary of State, or his delegate, shall make a complete report to the Speaker of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate of each such determination and approval and the reasons therefor."

Reports to
Congress.

PART III

CHAPTER 1—GENERAL PROVISIONS

SEC. 301. Chapter 1 of part III of the Foreign Assistance Act of 1961, as amended, which relates to general provisions, is amended as follows:

77 Stat. 385.
22 USC 2351.

(a) Amend section 601(c), relating to the Advisory Committee on Private Enterprise, by striking out in paragraph (4) "December 31, 1964" and substituting "June 30, 1965".

Engineering and
professional serv-
ices of U.S. firms.

(b) Section 601, which relates to the encouragement of free enterprise and private participation, is amended by adding at the end thereof the following new subsection:

"(d) It is the sense of Congress that the Agency for International Development should continue to encourage, to the maximum extent consistent with the national interest, the utilization of engineering and professional services of United States firms (including, but not limited to, any corporation, company, partnership, or other association) or by an affiliate of such United States firms in connection with capital projects financed by funds authorized under this Act."

22 USC 2362.

(c) Amend section 612, which relates to the use of foreign currencies, by adding the following new subsection (c):

"(c) Any Act of the Congress making appropriations to carry out programs under this or any other Act for United States operations

abroad is hereby authorized to provide for the utilization of United States-owned excess foreign currencies to carry out any such operations authorized by law.

"The President shall take all appropriate steps to assure that, to the maximum extent possible, United States-owned excess foreign currencies are utilized, in lieu of dollars. As used in this subsection, the term 'excess foreign currencies' means foreign currencies or credits owned by or owed to the United States which are, under applicable agreements with the foreign country concerned, available for the use of the United States Government and are determined by the President to be excess to the normal requirements of departments and agencies of the United States for such currencies or credits and are not prohibited from use under this subsection by an agreement entered into with the foreign country concerned."

(d) Amend subsection 620(e), relating to expropriations and other similar matters, as follows:

77 Stat. 386.
22 USC 2370.

(1) After "(e)" insert "(1)".

(2) Redesignate subparagraphs (1), (2), and (3) of the first paragraph as subparagraphs (A), (B), and (C), respectively.

(3) Strike out "paragraphs (1), (2), or (3)" and substitute "subparagraphs (A), (B), or (C) of paragraph (1)".

(4) At the end of such subsection add the following new paragraph (2):

"(2) Notwithstanding any other provision of law, no court in the United States shall decline on the ground of the federal act of state doctrine to make a determination on the merits giving effect to the principles of international law in a case in which a claim of title or other right is asserted by any party including a foreign state (or a party claiming through such state) based upon (or traced through) a confiscation or other taking after January 1, 1959, by an act of that state in violation of the principles of international law, including the principles of compensation and the other standards set out in this subsection: *Provided*, That this subparagraph shall not be applicable (1) in any case in which an act of a foreign state is not contrary to international law or with respect to a claim of title or other right acquired pursuant to an irrevocable letter of credit of not more than 180 days duration issued in good faith prior to the time of the confiscation or other taking, or (2) in any case with respect to which the President determines that application of the act of state doctrine is required in that particular case by the foreign policy interests of the United States and a suggestion to this effect is filed on his behalf in that case with the court, or (3) in any case in which the proceedings are commenced after January 1, 1966."

(e) In section 620(f), relating to prohibitions on furnishing assistance to Communist countries, immediately after "Union of Soviet Socialist Republics" insert the following: "(including its captive constituent republics)".

76 Stat. 260.

(f) Amend section 620(k) by striking out "1964" each place it appears and substituting "1965" in each such place.

77 Stat. 386.

(g) In section 620(m), relating to prohibitions on furnishing assistance to Cuba and certain other countries, after "during" insert "each" and also strike out "1964" and "\$1,000,000" and substitute for the latter "\$500,000".

CHAPTER 2—ADMINISTRATIVE PROVISIONS

SEC. 302. Chapter 2 of part III of the Foreign Assistance Act of 1961, as amended, which relates to administrative provisions, is amended as follows:

75 Stat. 449;
76 Stat. 262.
22 USC 2385.

(a) Amend section 625, which relates to employment of personnel, as follows:

(1) In subsection (d) (2) in the third proviso strike out "more than thirty persons in the aggregate" and substitute "the assignment to such duty of more than twenty persons at any one time".

(2) Add the following new subsection (j):

Alliance for
Progress.
Inter-American
Committee repre-
sentative.

"(j) The President may appoint or assign a United States citizen to be representative of the United States to the Inter-American Committee on the Alliance for Progress and, in his discretion, may terminate such appointment or assignment, notwithstanding any other provision of law. Such person may be compensated at a rate not to exceed that authorized for a chief of mission, class 2, within the meaning of the Foreign Service Act of 1946, as amended."

Ante, p. 428.

75 Stat. 451.
22 USC 2386.

(b) Amend section 626, which relates to experts, consultants and retired officers, as follows:

(1) Subsection (a) is amended by striking out "\$75" and substituting "\$100".

(2) Subsection (c) is amended by striking out the words "Career Compensation Act of 1949, as amended (37 U.S.C. 231 et seq.)" and substituting "section 101(3) of title 37 of the United States Code".

63 Stat. 802;
76 Stat. 499.
75 Stat. 451.
77 Stat. 389.
22 USC 2397.

(c) Amend section 637(a), which relates to administrative expenses, by striking out "1964" and "\$54,000,000" and substituting "1965" and "\$52,500,000", respectively.

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 303. Chapter 3 of part III of the Foreign Assistance Act of 1961, as amended, which relates to miscellaneous provisions, is amended by adding at the end thereof the following new section:

22 USC 2401-
2406.

"SEC. 648. SPECIAL AUTHORIZATION FOR USE OF FOREIGN CURRENCIES.—Subject to the provisions of section 1415 of the Supplemental Appropriation Act, 1953, the President is authorized, as a demonstration of good will on the part of the people of the United States for the Polish and Italian people, to use foreign currencies accruing to the United States Government under this or any other Act, for assistance on such terms and conditions as he may specify, in the repair, rehabilitation, improvement, and maintenance of cemeteries in Italy serving as the burial place of members of the armed forces of Poland who died in combat in Italy during World War II."

66 Stat. 662.
31 USC 724.

PART IV—AMENDMENTS TO OTHER LAWS

SEC. 401. The first section of the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276), is amended to read as follows:

76 Stat. 263.

"That an appropriation of \$50,000 annually is authorized, \$23,100 of which shall be for the annual contributions of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration; and \$26,900, or so much thereof as may be necessary, to assist in meeting the expenses of the American group of the Interparliamentary Union for each fiscal year for which an appropriation is made, such appropriation to be disbursed on vouchers to be approved by the President and the executive secretary of the American group."

SEC. 402. Section 502(b) of the Mutual Security Act of 1954, as amended, is amended by inserting after the words "United States" where they first appear in the first sentence thereof a comma and the following: "which are in excess of the amounts reserved under section 612(a) of the Foreign Assistance Act of 1961, as amended, and of the requirements of the United States Government in payment of its obligations outside the United States, as such requirements may be determined from time to time by the President, (and any other local currencies owned by the United States in amounts not to exceed the equivalent of \$50 per day per person exclusive of the actual cost of transportation)".

68 Stat. 850.
22 USC 1754.

75 Stat. 443;
77 Stat. 385.
22 USC 2362.

PART V—RELIGIOUS PERSECUTION

SEC. 501. It is the sense of the Congress that the United States deeply believes in the freedom of religion for all people and is opposed to infringement of this freedom anywhere in the world. The Congress condemns the persecution of any persons because of their religion. It is further the sense of Congress that all persons should be permitted the free exercise of religion and the pursuit of their culture.

Approved October 7, 1964.

Public Law 88-634

AN ACT

Making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

October 7, 1964
[H. R. 11812]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1965, namely:

Foreign Assistance and Related Agencies Appropriation Act, 1965.

TITLE I—FOREIGN ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, as amended, to remain available until June 30, 1965, unless otherwise specified herein, as follows:

75 Stat. 424.
22 USC 2151
note.

ECONOMIC ASSISTANCE

Technical cooperation and development grants: For expenses authorized by section 212, \$204,600,000.

Ante, p. 1009.

American schools and hospitals abroad: For expenses authorized by section 214(c), \$16,800,000.

Surveys of investment opportunities: For expenses authorized by section 232, \$1,600,000.

Ante, p. 1010.

International organizations and programs: For expenses authorized by section 302, \$134,272,400.

Supporting assistance: For expenses authorized by section 402, \$401,000,000.

Contingency fund: For expenses authorized by section 451(a), \$99,200,000.

Alliance for Progress, development grants: For expenses authorized by section 252, \$84,700,000.

Alliance for Progress, development loans: For assistance authorized by section 252, \$425,000,000, to remain available until expended.

75 Stat. 426;
77 Stat. 380.
22 USC 2162.

Development loans: For expenses authorized by section 202(a), \$773,727,600, to remain available until expended: *Provided*, That no part of this appropriation may be used to carry out the provisions of section 205 of the Foreign Assistance Act of 1961, as amended.

22 USC 2165.

Administrative expenses: For expenses authorized by section 637(a), \$51,200,000.

Ante, p. 1014.

Administrative and other expenses: For expenses authorized by section 637(b) of the Foreign Assistance Act of 1961, as amended, and by section 305 of the Mutual Defense Assistance Control Act of 1951, as amended, \$2,900,000.

75 Stat. 463.
22 USC 1613d.

Unobligated balances as of June 30, 1964, of funds heretofore made available under the authority of the Foreign Assistance Act of 1961, as amended, except as otherwise provided by law, are hereby continued available for the fiscal year 1965, for the same general purposes for which appropriated and amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Mutual Security Act of 1954, as amended, and the Foreign Assistance Act of 1961, as amended, for the same general purpose as any of the subparagraphs under "Economic Assistance," are hereby continued available for the same period as the respective appropriations in such subparagraphs for the same general purpose: *Provided*, That such purpose relates to a project or program previously justified to Congress and the Committees on Appropriations of the House of Representatives and the Senate are notified prior to the reobligation of funds for such projects or programs.

68 Stat. 830.
31 USC 200.

68 Stat. 832;
75 Stat. 460.
22 USC 1750;
1951 notes.

Notification of
congressional
committees.

Of the foregoing amounts for economic assistance, \$300,000,000 shall be available for obligation only through the apportionment review and approval procedure prescribed by law in such amounts and at such times as may be determined by the President in the national interest that funds otherwise available for the purposes of programs under this title are insufficient to meet the cost of additional authorized projects or programs.

MILITARY ASSISTANCE

Military assistance: For expenses authorized by section 504(a) of the Foreign Assistance Act of 1961, as amended, including administrative expenses authorized by section 636(g)(1) of such Act, which shall not exceed \$23,500,000 for the current fiscal year, and purchase of passenger motor vehicles for replacement only for use outside the

Ante, p. 1011.
75 Stat. 457.
22 USC 2396.

United States: *Provided*, That none of the funds contained in this paragraph shall be available for the purchase of new automotive vehicles outside of the United States, \$1,055,000,000.

GENERAL PROVISIONS

SEC. 101. None of the funds herein appropriated (other than funds appropriated under the authorization for "International organizations and programs") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation and other water and related land resource programs and projects proposed for construction within the United States of America as per memorandum of the President dated May 15, 1962.

Flood control and reclamation programs, etc.

SEC. 102. Obligations made from funds herein appropriated for engineering and architectural fees and services to any individual or group of engineering and architectural firms on any one project in excess of \$25,000 shall be reported to the Committees on Appropriations of the Senate and House of Representatives at least twice annually.

Engineering and architectural fees. Reports to congressional committees.

SEC. 103. Except for the appropriations entitled "Contingency fund", "Alliance for Progress, development loans", and "Development loans", not more than 20 per centum of any appropriation item made available by this title shall be obligated and/or reserved during the last month of availability.

Restrictions.

SEC. 104. None of the funds herein appropriated nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, retirement pay or adjusted service compensation for any persons heretofore or hereafter serving in the armed forces of any recipient country.

SEC. 105. The Congress hereby reiterates its opposition to the seating in the United Nations of the Communist China regime as the representative of China, and it is hereby declared to be the continuing sense of the Congress that the Communist regime in China has not demonstrated its willingness to fulfill the obligations contained in the Charter of the United Nations and should not be recognized to represent China in the United Nations. In the event of the seating of representatives of the Chinese Communist regime in the Security Council or General Assembly of the United Nations the President is requested to inform the Congress insofar as is compatible with the requirements of national security, of the implications of this action upon the foreign policy of the United States and our foreign relation-

Seating of Communist China in U. N., opposition.

59 Stat. 1031.

ships, including that created by membership in the United Nations, together with any recommendations which he may have with respect to the matter.

SEC. 106. It is the sense of Congress that any attempt by foreign nations to create distinctions because of their race or religion among American citizens in the granting of personal or commercial access or any other rights otherwise available to United States citizens generally is repugnant to our principles; and in all negotiations between the United States and any foreign state arising as a result of funds appropriated under this title these principles shall be applied as the President may determine.

SEC. 107. (a) No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country which sells, furnishes, or permits any ships under its registry to carry to Cuba, so long as it is governed by the Castro regime, in addition to those items contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended, any arms, ammunition, implements of war, atomic energy materials, or any other articles, materials, or supplies of primary strategic significance used in the production of arms, ammunition, and implements of war or of strategic significance to the conduct of war, including petroleum products.

(b) No economic assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country which sells, furnishes, or permits any ships under its registry to carry items of economic assistance to Cuba, so long as it is governed by the Castro regime, unless the President determines that the withholding of such assistance would be contrary to the national interest and reports such determination to the Foreign Relations and Appropriations Committees of the Senate and the Foreign Affairs and Appropriations Committees of the House of Representatives. Reports made pursuant to this subsection shall be published in the Federal Register within seven days of submission to the committees and shall contain a statement by the President of the reasons for such determination.

SEC. 108. Any expenditure made from funds provided in this title for procurement outside the United States of any commodity in bulk and in excess of \$100,000 shall be reported to the Committees on Appropriations of the Senate and the House of Representatives at least twice annually: *Provided*, That each such report shall state the reasons for which the President determined, pursuant to criteria set forth in section 604(a) of the Foreign Assistance Act of 1961, as amended, that foreign procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base which outweigh the economic or other advantages to United States of less costly procurement outside the United States.

SEC. 109. (a) No assistance shall be furnished to any nation, whose government is based upon that theory of government known as communism under the Foreign Assistance Act of 1961, as amended, for any arms, ammunition, implements of war, atomic energy materials, or any articles, materials, or supplies, such as petroleum, transportation materials of strategic value, and items of primary strategic significance used in the production of arms, ammunition, and implements of war, contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended.

(b) No economic assistance shall be furnished to any nation whose government is based upon that theory of government known as communism under the Foreign Assistance Act of 1961, as amended (except section 214(b)), unless the President determines that the withholding

Racial or religious discrimination.

Cuba.
Restriction on assistance to certain countries.
22 USC 2151 note.

65 Stat. 644.
22 USC 1611-1611d.

Presidential determination of assistance.
Report to congressional committees.

Publication in Federal Register.

Procurement outside U.S.
Report to congressional committees.

75 Stat. 439.
22 USC 2354.

Communist nations.
Furnishing of strategic materials, prohibition.

Economic assistance.
Presidential determination.
22 USC 2174.

of such assistance would be contrary to the national interest and reports such determination to the Foreign Affairs and Appropriations Committees of the House of Representatives and Foreign Relations and Appropriations Committees of the Senate. Reports made pursuant to this subsection shall be published in the Federal Register within seven days of submission to the committees and shall contain a statement by the President of the reasons for such determination.

Report to congressional committees.

Publication in Federal Register.

SEC. 110. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

22 USC 2151 note.

SEC. 111. None of the funds appropriated or made available under this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to make payments with respect to any contract for the performance of services outside the United States by United States citizens where such citizens have not been investigated for loyalty and security in the same manner and to the same extent as would apply if they were regularly employed by the United States.

Citizens employed outside U.S.
Loyalty investigations.

SEC. 112. None of the funds appropriated or made available under this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to make payments with respect to any capital project financed by loans or grants from the United States where the United States has not directly approved the terms of the contracts and the firms to provide engineering, procurement, and construction services on such projects.

Capital projects.
U.S. approval.

SEC. 113. Of the funds appropriated or made available pursuant to this Act not more than \$12,000,000 may be used during the fiscal year ending June 30, 1965, in carrying out section 241 of the Foreign Assistance Act of 1961, as amended.

75 Stat. 433;
77 Stat. 382.
22 USC 2201.

SEC. 114. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to pay in whole or in part any assessments, arrearages or dues of any member of the United Nations.

SEC. 115. Foreign currencies not to exceed \$200,000, made available for loans pursuant to section 104(e) of the Agricultural Trade Development and Assistance Act of 1954, as amended, shall be available during the current fiscal year for expenses incurred incident to such loans.

68 Stat. 456;
71 Stat. 345.
7 USC 1704.

SEC. 116. None of the administrative expense or other funds herein appropriated shall be available in connection with the use of receipts of United States dollars, derived from loan repayments and interest collections in the Development Loan Fund and Alliance for Progress revolving funds.

SEC. 117. None of the funds made available by this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be obligated on or after April 30, 1964, for financing, in whole or in part, the direct costs of any contract for the construction of facilities and installations in any underdeveloped country, unless the President shall, on or before such date, have promulgated regulations designed to assure, to the maximum extent consistent with the national interest and the avoidance of excessive costs to the United States, that none of the funds made available by this Act and thereafter obligated shall be used to finance the direct costs under such contracts for construction work performed by persons other than qualified nationals of the recipient country or

Underdeveloped countries.
Construction work.

qualified citizens of the United States: *Provided, however,* That the President may waive the application of this amendment if it is important to the national interest.

TITLE II—FOREIGN ASSISTANCE (OTHER)

FUNDS APPROPRIATED TO THE PRESIDENT

PEACE CORPS

77 Stat. 359,
22 USC 2502.

For expenses necessary to enable the President to carry out the provisions of the Peace Corps Act (75 Stat. 612), as amended, including purchase of not to exceed five passenger motor vehicles for use outside the United States, \$87,100,000, together with not to exceed \$17,000,000 of funds previously appropriated which are hereby continued available for the fiscal year 1965, of which not to exceed \$20,850,000 shall be available for administration and program support costs.

DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS

RYUKYU ISLANDS, ARMY

ADMINISTRATION

60 Stat. 810.

40 USC 255;
31 USC 529.
70A Stat. 269.

For expenses, not otherwise provided for, necessary to meet the responsibilities and obligations of the United States in connection with the government of the Ryukyu Islands, as authorized by the Act of July 12, 1960 (74 Stat. 461), as amended (76 Stat. 742); services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), of individuals not to exceed ten in number; not to exceed \$4,000 for contingencies for the High Commissioner, to be expended in his discretion; hire of passenger motor vehicles and aircraft; purchase of four passenger motor vehicles, for replacement only; and construction, repair, and maintenance of buildings, utilities, facilities, and appurtenances; \$14,441,000, of which not to exceed \$2,441,000 shall be available for administrative and information expenses, and \$4,000,000 shall be available for transfer to the Ryukyu Domestic Water Corporation for construction of a portion of the integrated island water system: *Provided*, That expenditures from this appropriation may be made outside continental United States when necessary to carry out its purposes, without regard to sections 355 and 3648, Revised Statutes, as amended, section 4774(d) of title 10, United States Code, civil service or classification laws, or provisions of law prohibiting payment of any person not a citizen of the United States: *Provided further*, That funds appropriated hereunder may be used, insofar as practicable, and under such rules and regulations as may be prescribed by the Secretary of the Army to pay ocean transportation charges from United States ports, including territorial ports, to ports in the Ryukyus for the movement of supplies donated to, or purchased by, United States voluntary nonprofit relief agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid or of relief packages consigned to individuals residing in such areas: *Provided further*, That the President may transfer to any other department or agency any function or functions provided for under this appropriation, and there shall be transferred to any such department or agency, without reimbursement and without regard to the appropriation from which procured, such property as the Director of the Bureau of the Budget shall determine to relate primarily to any function or functions so transferred.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

ASSISTANCE TO REFUGEES IN THE UNITED STATES

For expenses necessary to carry out the provisions of the Migration and Refugee Assistance Act of 1962 (Public Law 87-510), relating to aid to refugees within the United States, including hire of passenger motor vehicles, and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), \$34,800,000 together with the unobligated balance of the appropriation under this head for the fiscal year 1964: *Provided*, That the final sentence in section 2(e) of the Migration and Refugee Assistance Act of 1962 is hereby repealed.

76 Stat. 121.
22 USC 2601
note.

Repeal.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide assistance to refugees, as authorized by law, including contributions to the Intergovernmental Committee for European Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by the Overseas Differentials and Allowances Act (5 U.S.C. 3031-3039); hire of passenger motor vehicles; and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); \$8,200,000: *Provided*, That no funds herein appropriated shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to insure against Communist infiltration in the Western Hemisphere.

60 Stat. 999.

74 Stat. 792.

60 Stat. 810.

FUNDS APPROPRIATED TO THE PRESIDENT

INVESTMENT IN INTER-AMERICAN DEVELOPMENT BANK

For subscriptions to the Inter-American Development Bank for the first installment on the increase in callable capital stock \$205,880,000, to remain available until expended.

SUBSCRIPTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment of the fifth installment of the subscription of the United States to the International Development Association, \$61,656,000, to remain available until expended.

TITLE III—EXPORT-IMPORT BANK OF WASHINGTON

The Export-Import Bank of Washington is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, except as hereinafter provided.

61 Stat. 584.
31 USC 849.

LIMITATION ON OPERATING EXPENSES

Not to exceed \$1,350,060,000 (of which not to exceed \$944,000,000 shall be for long term project and equipment loans) shall be author-

ized during the current fiscal year for other than administrative expenses.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$3,781,000 (to be computed on an accrual basis) shall be available during the current fiscal year for administrative expenses, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed \$75 per diem for individuals, and not to exceed \$9,000 for entertainment allowances for members of the Board of Directors: *Provided*, That (1) fees or dues to international organizations of credit institutions engaged in financing foreign trade, (2) necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Bank or in which it has an interest, including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, and (3) expenses (other than internal expenses of the Bank) incurred in connection with the issuance and servicing of guarantees, insurance, and reinsurance, shall be considered as nonadministrative expenses for the purposes hereof.

None of the funds made available because of the provisions of this title shall be used by the Export-Import Bank to either guarantee the payment of any obligation hereafter incurred by any Communist country (as defined in section 620(f) of the Foreign Assistance Act of 1961, as amended) or any agency or national thereof, or in any other way to participate in the extension of credit to any such country, agency, or national, in connection with the purchase of any product by such country, agency, or national, except when the President determines that such guarantees would be in the national interest and reports each such determination to the House of Representatives and the Senate within 30 days after such determination.

TITLE IV—GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 402. None of the funds herein appropriated shall be used for expenses of the Inspector General, Foreign Assistance, after the expiration of the thirty-five day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering foreign assistance legislation, appropriations, or expenditures, has delivered to the Office of the Inspector General, Foreign Assistance, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in the custody or control of the Inspector General, Foreign Assistance, relating to any review, inspection, or audit arranged for, directed, or conducted by him, unless and until there has been furnished to the General Accounting Office or to such committee or subcommittee, as the case may be, (A) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested or (B) a certification by the President, personally, that he has forbidden the furnishing thereof pursuant to such request and his reason for so doing.

SEC. 403. No part of any appropriation contained in this Act shall be used to conduct or assist in conducting any program (including but not limited to the payment of salaries, administrative expenses, and

60 Stat. 810.

Extension of
credit to com-
munist countries,
restriction.

76 Stat. 260.
22 USC 2370.

Report to
Congress.

Publicity or
propaganda.

Restriction.

the conduct of research activities) related directly or indirectly to the establishment of a national service corps or similar domestic peace corps type of program.

SEC. 404. The appropriations, funds, other authorizations, and authority with respect thereto in this Act shall be available from October 1, 1964, for the purposes provided in such appropriations, funds, other authorizations, and authority. All obligations incurred during the period between September 30, 1964, and the date of enactment of this Act in anticipation of such appropriations, funds, other authorizations, and authority are hereby ratified and confirmed if in accordance with the terms thereof.

Availability
of funds.

This Act may be cited as the "Foreign Assistance and Related Agencies Appropriation Act, 1965."

Short title.

Approved October 7, 1964.

Public Law 88-635

AN ACT

Making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes.

October 7, 1964
[H. R. 12633]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Supplemental Appropriation Act, 1965") for the fiscal year ending June 30, 1965, and for other purposes, namely:

Supplemental
Appropriation
Act, 1965.

CHAPTER I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", for "Meat inspection", \$1,291,000.

SOIL CONSERVATION SERVICE

FLOOD PREVENTION

For an additional amount for emergency measures for runoff retardation and soil-erosion prevention as provided by section 216 of the Flood Control Act of 1950, \$900,000.

64 Stat. 184.
33 USC 701b-1.

AGRICULTURAL MARKETING SERVICE

FOOD STAMP PROGRAM

For necessary expenses of the food stamp program pursuant to the Food Stamp Act of 1964, \$25,000,000.

Ante, p. 703.

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For an additional amount for "Administrative and operating expenses", \$250,000.

RELATED AGENCIES

NATIONAL COMMISSION ON FOOD MARKETING

SALARIES AND EXPENSES

Ante, p. 269.

For necessary expenses of the National Commission on Food Marketing, established by Public Law 88-354, approved July 3, 1964, \$700,000.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE, NAVY

Not to exceed \$860,000 of this appropriation may be transferred to the appropriation "Salaries and expenses", Weather Bureau, Department of Commerce, fiscal year 1965 for the operation of ocean weather stations.

OPERATION AND MAINTENANCE, AIR FORCE

Not to exceed \$150,000 of this appropriation may be transferred to the appropriation "Salaries and expenses", Weather Bureau, Department of Commerce, fiscal year 1965 for the operation of the Marcus Island upper-air station.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

Not to exceed \$990,000 of this appropriation may be transferred to the appropriation "Salaries and expenses", Coast and Geodetic Survey, Department of Commerce, fiscal year 1965 for the expenses of the Worldwide Seismological Network Program.

CHAPTER III

DISTRICT OF COLUMBIA

(DISTRICT OF COLUMBIA FUNDS)

OPERATING EXPENSES

General Operating Expenses

For an additional amount for "General operating expenses", \$42,100.

Education

For an additional amount for "Education", \$181,800.

Settlement of Claims and Suits

For the payment of claims in excess of \$250, approved by the Commissioners in accordance with the provisions of the Act of February 11, 1929, as amended (45 Stat. 1160; 46 Stat. 500; 65 Stat. 131), \$7,228. D.C. Code 1-902
to 1-906.

DIVISION OF EXPENSES

The sums appropriated in this title for the District of Columbia shall, unless otherwise specifically provided for, be paid out of the general fund of the District of Columbia, as defined in the District of Columbia Appropriation Act for the fiscal year involved.

CHAPTER IV

INDEPENDENT OFFICES

GENERAL SERVICES ADMINISTRATION

CONSTRUCTION, PUBLIC BUILDINGS PROJECTS

The maximum construction improvement cost in the Independent Offices Appropriation Act, 1963, for construction and alteration of the border station at Nogales, Arizona, is hereby increased by \$282,000; and the maximum construction improvement cost in the Independent Offices Appropriation Act, 1964, of the post office and courthouse at Bangor, Maine, is hereby increased by \$767,000, and

76 Stat. 716.

77 Stat. 425.

the maximum construction improvement cost of the courthouse and Federal office building at New Albany, Indiana, is hereby increased by \$166,600.

NATIONAL HISTORICAL PUBLICATIONS GRANTS

For allocation to Federal agencies, and for grants to State and local agencies and nonprofit organizations and institutions, for the collecting, describing, preserving and compiling, and publishing of documentary sources significant to the history of the United States, \$350,000, to remain available until expended.

HOUSING AND HOME FINANCE AGENCY

OFFICE OF THE ADMINISTRATOR

URBAN MASS TRANSPORTATION GRANTS

Ante, p. 302. For grants as authorized by the Urban Mass Transportation Act of 1964 (78 Stat. 302), to remain available until expended, \$60,000,000.

URBAN MASS TRANSPORTATION LOANS

For loans as authorized by section 3 of the Urban Mass Transportation Act of 1964 (78 Stat. 302), \$5,000,000.

ADMINISTRATIVE EXPENSES, URBAN TRANSPORTATION ACTIVITIES

For necessary expenses to carry out the provisions of the Urban Mass Transportation Act of 1964 (78 Stat. 302), \$187,500.

URBAN PLANNING GRANTS

For an additional amount for "Urban planning grants", \$11,325,000.

LOW-INCOME HOUSING DEMONSTRATION PROGRAMS

*75 Stat. 165.
42 USC 1436.* For low-income housing demonstration programs pursuant to section 207 of the Housing Act of 1961, as amended, \$1,250,000: *Provided*, That not to exceed \$20,000 may be available for administrative expenses, but no part of this appropriation shall be available for administrative expenses in connection with contracts to make grants in excess of the amount herein appropriated therefor.

PUBLIC WORKS PLANNING FUND

For an additional amount for "Public works planning fund", \$10,000,000.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL NATIONAL MORTGAGE ASSOCIATION

In addition to the amount otherwise available for administrative expenses of the Federal National Mortgage Association for the current fiscal year, not to exceed \$100,000 shall be available for such expenses.

NATIONAL COMMISSION ON TECHNOLOGY, AUTOMATION, AND ECONOMIC PROGRESS

Ante, p. 462. For expenses necessary to carry out the provisions of the Act of August 19, 1964 (78 Stat. 462), establishing the National Commission on Technology, Automation, and Economic Progress, \$825,000, to remain available until January 31, 1966.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$6,500,000, of which not to exceed \$2,000,000 may be used for additional personnel.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$150,000.

CHAPTER V

DEPARTMENT OF THE INTERIOR

OFFICE OF WATER RESOURCES RESEARCH

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Water Resources Research Act of 1964 (Public Law 88-379, approved July 17, 1964), including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a) when authorized by the Secretary, at rates not to exceed \$75 per diem for individuals, and hire of passenger motor vehicles, \$1,465,000.

Ante, p. 329.
60 Stat. 810.

BUREAU OF COMMERCIAL FISHERIES

LIMITATION ON ADMINISTRATIVE EXPENSES, FISHERIES LOAN FUND

During the current fiscal year, an additional amount of not to exceed \$25,000 shall be available in the Fisheries Loan Fund for administrative expenses.

CONSTRUCTION OF FISHING VESSELS

For expenses necessary to carry out the provisions of the Act of June 12, 1960 (74 Stat. 212), as amended by the Act of August 30, 1964 (78 Stat. 614), to assist in the construction of fishing vessels, \$2,500,000.

46 USC 1401-
1413.
Ante, p. 614.

BUREAU OF SPORT FISHERIES AND WILDLIFE

MANAGEMENT AND INVESTIGATIONS OF RESOURCES

For an additional amount for "Management and investigations of resources", \$1,050,000.

CONSTRUCTION

For an additional amount for "Construction", \$1,041,600.

NATIONAL PARK SERVICE

MANAGEMENT AND PROTECTION

For an additional amount for "Management and protection", for the United States' share of the expenses of the Roosevelt Campobello International Park Commission, as authorized by Public Law 88-363 (78 Stat. 299), \$155,000, to remain available until expended.

Ante, p. 299.

CONSTRUCTION

For an additional amount for "Construction," for acquisition of lands, interest therein, improvements, and related personal property, \$8,533,000.

BUREAU OF INDIAN AFFAIRS

PAYMENT TO THE SENECA NATION

Ante, p. 738.

For assistance to improve the economic, social, and educational conditions of enrolled members of the Seneca Nation, as authorized by Public Law 88-533, approved August 31, 1964, \$12,128,917.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, investigations, and research", \$90,000.

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", \$1,000,000.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION, FOREST LAND MANAGEMENT

For an additional amount for "Forest protection and utilization", for "Forest land management", \$800,000.

HISTORICAL AND MEMORIAL COMMISSIONS

BATTLE OF LAKE ERIE SESQUICENTENNIAL CELEBRATION COMMISSION

76 Stat. 1244;
Ante, p. 225.

For payment of expenses incurred by the Battle of Lake Erie Sesquicentennial Celebration Commission in carrying out the provisions of the Act of October 24, 1962 (Public Law 87-883), as amended by the Act of June 29, 1964 (Public Law 88-328), \$13,553.

BATTLE OF NEW ORLEANS SESQUICENTENNIAL CELEBRATION COMMISSION

Ante, p. 939.

For necessary expenses of the Battle of New Orleans Sesquicentennial Celebration Commission, established by the Act of September 12, 1964 (Public Law 88-591), \$25,000, to remain available until expended.

INDEPENDENT OFFICES

PUBLIC LAND LAW REVIEW COMMISSION

SALARIES AND EXPENSES

Ante, p. 982.

60 Stat. 810.

For necessary expenses of the Public Land Law Review Commission, established by Public Law 88-606, approved September 19, 1964, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), \$350,000, to remain available until expended.

EXECUTIVE OFFICE OF THE PRESIDENT

NATIONAL COUNCIL ON THE ARTS

SALARIES AND EXPENSES

For necessary expenses of the National Council on the Arts, established by Public Law 88-579, approved September 3, 1964, \$50,000.

Ante, p. 905.

CHAPTER VI

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

FARM LABOR CONTRACTOR REGISTRATION ACTIVITIES

For expenses necessary to carry out the provisions of the Farm Labor Contractor Registration Act of 1963, \$350,000.

Ante, p. 920.

WAGE AND LABOR STANDARDS

BUREAU OF LABOR STANDARDS

For an additional amount for "Bureau of Labor Standards" for the work of the President's Committee on Employment of the Handicapped, \$40,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

DEFENSE EDUCATIONAL ACTIVITIES

For an additional amount for "Defense educational activities," \$60,750,000, of which \$10,300,000 shall be for capital contributions to student loan funds and loans for non-Federal capital contributions (not to exceed \$300,000) to student loan funds, \$10,000,000 shall be for grants to States for equipment and minor remodeling of facilities for the purposes included in section 301 of Public Law 85-864, as amended, and for supervisory and other services, and \$3,000,000 shall be for grants to States for testing, guidance, and counseling: *Provided*, That, in lieu of amounts heretofore specified, allotments for grants to States under sections 302(a) and 305 for acquisition of equipment and minor remodeling shall be made on the basis of \$70,400,000, allotments for loans to private nonprofit schools shall be made on the basis of \$9,600,000, and allotments under section 302(b) for supervisory and other services shall be made on the basis of \$6,000,000: *Provided further*, That this appropriation shall be available only upon enactment of S. 3060, Eighty-eighth Congress, or similar legislation, amending the National Defense Education Act of 1958.

72 Stat. 1588.
20 USC 441.

20 USC 442,
445.

Post, p. 1100.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,000,000: *Provided*, That this amount shall be available only upon enactment into law of S. 3060, Eighty-eighth Congress, or similar legislation amending the National Defense Education Act of 1958.

Post, p. 1100.

For an additional amount for "Community Health Practice and Research", \$5,000,000 to be derived by transfer from the appropriations for the Economic Opportunity Program, Office of Economic Opportunity: *Provided*, That the appropriation under this head in the Departments of Labor, and Health, Education and Welfare Appropriation Act, 1965 (P. L. 88-605) shall be available to carry out section 306 of the Public Health Service Act.

Ante, p. 959.
70 Stat. 923.
42 USC 242d.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ECONOMIC OPPORTUNITY

ECONOMIC OPPORTUNITY PROGRAM

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88-452 approved August 20, 1964), \$800,000,000, of which not more than \$412,500,000, plus reimbursements, shall be available for youth programs under title I; not more than \$300,000,000 for community action programs under title II; not more than \$35,000,000 for special programs to combat poverty in rural areas under title III, part A (which shall be available for transfer to the economic opportunity fund and shall remain available until expended); not more than \$8,800,000 to carry out the purposes of part D of title III; not more than \$150,000,000 for work experience programs under title V; and not more than \$50,000,000 for (1) adult basic education programs under title II, (2) volunteer programs under section 603, (3) expenses of administration and coordination of antipoverty programs under title VI, and (4) migrant agricultural employees programs under title III, part B (including transfers to the economic opportunity fund for loans under section 311, and amounts so transferred shall remain available until expended): *Provided*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964: *Provided further*, That this appropriation shall not be available for contracts under titles I, II, V, and VI extending for more than twenty-four months: *Provided further*, That this appropriation shall not be available for more than 4,000 permanent Federal positions: *Provided further*, That none of the funds contained in this Act shall be used to make indemnity payments, authorized by part D of title III, to any farmer whose milk was removed from commercial markets as a result of his failure to follow the procedures prescribed by the Federal Government for the use of the offending chemical: *Provided further*, That not to exceed \$2,000,000 of this appropriation may be transferred to "Grants to States for public assistance" to carry out existing projects authorized by section 1115 of the Social Security Act, as amended.

Ante, p. 508.

76 Stat. 192.
42 USC 1315.

CHAPTER VII

LEGISLATIVE BRANCH

SENATE

For payment to Lucretia C. Engle, widow of Clair Engle, late a Senator from the State of California, \$22,500.

HOUSE OF REPRESENTATIVES

For payment to Corinne C. Bennett, widow of John B. Bennett, late a Representative from the State of Michigan, \$22,500.

For payment to Elizabeth B. Norblad, widow of Walter Norblad, late a Representative from the State of Oregon, \$22,500.

CONTINGENT EXPENSES

For an additional amount for "Miscellaneous items", \$92,000, for payment to the Architect of the Capitol in accordance with section 208 of the Act approved October 9, 1940 (Public Law 812).

54 Stat. 1056.
40 USC 174k.

JOINT ITEMS

CONTINGENT EXPENSES OF THE HOUSE

CAPITOL POLICE

Capitol Police Board

For an additional amount, fiscal year 1964, to reimburse the Commissioners of the District of Columbia for salaries of additional personnel detailed from the Metropolitan Police Department, \$22,100.

CHAPTER VIII

PUBLIC WORKS

DEPARTMENT OF DEFENSE—CIVIL FUNCTIONS

DEPARTMENT OF THE ARMY

RIVERS AND HARBORS AND FLOOD CONTROL

Construction, General

For an additional amount for "Construction, general", \$2,860,000, of which not to exceed \$860,000 shall be available for emergency flood control construction of debris basins and channel clearing in the Santa Barbara, California, area affected by recent fires, and such work is hereby authorized.

INTEROCEANIC CANAL COMMISSION

Salaries and Expenses

For expenses necessary for an investigation and study, including surveys, to determine the feasibility of, and the most suitable site for construction of a sea-level canal connecting the Atlantic and Pacific Oceans, \$400,000.

CHAPTER IX

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to international organizations", \$1,366,000.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES
AND MEXICO

CONSTRUCTION

For an additional amount for "International Boundary and Water Commission, United States and Mexico, Construction", \$300,000.

SMALL BUSINESS ADMINISTRATION

REVOLVING FUND

72 Stat. 384.
15 USC 631 note.

For additional capital for the revolving fund authorized by the Small Business Act of 1953, as amended, to be available without fiscal year limitation, \$45,000,000.

APPALACHIAN REGIONAL COMMISSION

SALARIES AND EXPENSES

60 Stat. 810.

For necessary expenses of the Federal representative and his alternate on the Appalachian Regional Commission and for payment of the administrative expenses of the Commission, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and hire of passenger motor vehicles, \$800,000: *Provided*, That this appropriation shall become effective upon enactment into law of authorizing legislation.

DEPARTMENT OF COMMERCE

COMMUNITY RELATIONS SERVICE

SALARIES AND EXPENSES

Ante, p. 267.

For necessary expenses of the Community Relations Service established by title X of the Civil Rights Act of 1964 (Public Law 88-352), \$1,100,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

CIVIL RIGHTS EDUCATIONAL ACTIVITIES

Ante, p. 246.

For carrying out the provisions of title IV of the Civil Rights Act of 1964 relating to functions of the Commissioner of Education, \$8,000,000, of which not to exceed \$2,000,000 shall be for salaries and expenses, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and expenses, general legal activities", \$1,093,000.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$295,000: *Provided*, That the proviso under this heading in the Departments of State, Justice, and Commerce, the Judiciary and Related Agencies Appropriation Act, 1965, shall not apply during the current fiscal year.

Ante, p. 731.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission established by title VII of the Civil Rights Act of 1964, \$2,250,000.

Ante, p. 253.

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

SPECIAL STUDY ON DISCRIMINATION IN EMPLOYMENT BECAUSE OF AGE

For expenses necessary to conduct a study of the factors which might tend to result in discrimination in employment because of age, as provided by section 715 of the Civil Rights Act of 1964, \$100,000.

Ante, p. 265.

CHAPTER X

TREASURY DEPARTMENT

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For an additional amount for "Administering the public debt", \$570,000.

BUREAU OF THE MINT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$4,500,000.

CHAPTER XI

CLAIMS AND JUDGMENTS

For payment of claims settled and determined by departments and agencies in accord with law, and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in Senate Document Numbered 101, Eighty-eighth Congress, and House Document Numbered 339, Eighty-eighth Congress, \$33,309,898, together with such amounts as may be

necessary to pay interest (as and when specified in said judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act.

Approved October 7, 1964.

Public Law 88-636

October 8, 1964
[H. R. 9718]

AN ACT

To authorize the crediting of certain military service for purposes of reserve retired pay.

Armed Forces.
Retired pay.
73 Stat. 425.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1332(a) of title 10, United States Code, is amended by striking out the word "and" at the end of clause (1)(J)(ii), by striking out the period at the end of clause (2) and inserting a semicolon in place thereof, and by adding the following new clauses—

70 Stat. 116.

"(3) his years of active service in the Commissioned Corps of the Public Health Service during such time as the Commissioned Corps was a military service pursuant to declaration made by the President under section 216 of the Public Health Service Act (42 U.S.C. 217); and

40 Stat. 87.

"(4) his years of active commissioned service in the Coast and Geodetic Survey during such time as he was transferred to the service and jurisdiction of a military department pursuant to section 16 of the Act of May 22, 1917 (33 U.S.C. 855)."

SEC. 2. The amendments made by this Act shall apply to any period before enactment of this Act during which the Commissioned Corps of the Public Health Service has had the status of a military service, and to any period before enactment of this Act during which commissioned personnel of the Coast and Geodetic Survey were transferred to the service and jurisdiction of a military department.

Approved October 8, 1964.

Public Law 88-637

October 8, 1964
[H. R. 12308]

AN ACT

To authorize removal of a flight hazard at the United States Naval Air Station, Norfolk, Virginia.

Norfolk, Va.
Naval Air Station.
Flight hazard removal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized to remove an existing flight hazard at the Naval Air Station, Norfolk, Virginia; but no funds may be expended for such purpose unless specifically appropriated for such purpose.

Approved October 8, 1964.

Public Law 88-638

AN ACT

To extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes.

October 8, 1964
[S. 2687]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Trade Development and Assistance Act of 1954, as amended, is further amended as follows:

(1) Section 101 of such Act is amended by striking out in subsection (f) the words "from the government or agencies thereof" and further by striking the period at the end of subsection (f) and adding the following: ", and which are not less favorable than the highest of exchange rates obtainable by any other nation."

(2) Section 101 of such Act is amended by adding at the end thereof the following new subsection:

"(g) require such foreign currencies to be convertible to dollars to the extent consistent with the effectuation of the purpose of this Act, but in any event to the extent necessary to permit that portion of such currencies made available for payment of United States obligations to be used to meet obligations or charges payable by the United States or any of its agencies to the government of the importing country or any of its agencies."

(3) Section 102(a) of such Act is amended by adding at the end thereof the following: "The Commodity Credit Corporation shall finance ocean freight charges incurred pursuant to agreements entered into after December 31, 1964, only to the extent that such charges are higher (than would otherwise be the case) by reason of a requirement that the commodities be transported in United States flag vessels. Such agreements shall require the balance of such charges for transportation in United States vessels to be paid in dollars by the nations or organizations with whom such agreements are entered into."

(4) Section 103(a) of such Act is amended by adding at the end thereof the following: "In presenting his budget, the President shall classify expenditures under this Act as expenditures for international affairs and finance rather than for agriculture and agricultural resources."

(5) Effective January 1, 1965, section 103(b) of such Act is amended to read as follows:

"(b) Agreements shall not be entered into under this title during the period beginning January 1, 1965, and ending December 31, 1966, which will call for appropriations to reimburse the Commodity Credit Corporation in a total amount in excess of \$2,700,000,000 plus any amount by which agreements entered into in prior years have called or will call for appropriations to reimburse the Commodity Credit Corporation in amounts less than authorized for such prior years by this Act as in effect during such years: *Provided*, That agreements shall not be entered into during any calendar year of such period which will call for appropriations to reimburse the Commodity Credit Corporation in amounts in excess of \$2,500,000,000."

(6) Section 104 of such Act is amended by striking out in subsection (c) the word "military" and inserting after the words "common defense" the words "including internal security".

(7) Section 104 of such Act is amended by striking from subsection (e) the words "not more than 25 per centum of the currencies received pursuant to each such agreement shall be available" and substituting "currencies shall also be available to the maximum usable extent."

Agricultural
Trade Develop-
ment and Assist-
ance Act of 1954,
amendments.
75 Stat. 306.
7 USC 1701.

Ocean freight
charges.
69 Stat. 44.
7 USC 1702.

68 Stat. 456.

75 Stat. 306.

7 USC 1704.

Private busi-
ness loans.
Limitations
removed.

7 USC 1704.

Advisory committee, establishment.

Uses of foreign currencies, review.

Transmittal of proposal to congressional committees.

(8) Section 104 is amended by adding at the end thereof the following:

"There is hereby established an advisory committee composed of the Secretary of Agriculture, the Director of the Bureau of the Budget, the Administrator of the Agency for International Development, the chairman and the ranking minority member of the House Committee on Agriculture, and the chairman and the ranking minority member of the Senate Committee on Agriculture and Forestry. Such Committee shall review from time to time the status and usage of foreign currencies which accrue under this title, and shall make recommendations to the President as to ways and means of assuring to the United States (1) the maximum benefit from the use of such currencies, making special reference to any such currencies which are excess to the normal requirements of United States agencies, and (2) the maximum return from sales made under this title. Such Committee shall make such other recommendations for improving this Act and its administration as such Committee may deem fit.

"The committee shall be consulted with respect to: (1) policies relating to (a) loans under subsections (e) and (g) hereof, (b) the degree of convertibility to be required under section 101(g), and (c) the amount of currency to be reserved in sales agreements for loans to private industry under subsection (e) hereof; and (2) each proposal to establish an interest rate for dollar sales under title IV higher than the minimum provided in section 403.

"No agreement or proposal to grant any foreign currencies (except as provided in subsection (c) of this section), or to use (except pursuant to appropriation Act) any principal or interest from loan repayments under this section, shall be entered into or carried out until the expiration of thirty days following the date on which such agreement or proposal is transmitted by the President to the Senate Committee on Agriculture and Forestry and to the House Committee on Agriculture, if transmitted while Congress is in session, or sixty days following the date of transmittal if transmitted while Congress is not in session, and then only if, between the date of transmittal and the expiration of such period there has not been passed by either of the two Committees a resolution stating in substance that that Committee does not favor such agreement or proposal."

(9) The first proviso at the end of section 104 of such Act is amended by striking out the colon at the end thereof and inserting "pursuant to agreements entered into on or before December 31, 1964 and to not less than 20 per centum in the aggregate of the foreign currencies which accrue pursuant to agreements entered into thereafter:".

(10) Section 104 of such Act is amended by adding at the end thereof the following: "Any loan made under the authority of this section shall bear interest at such rate as the President may determine but not less than the cost of funds to the United States Treasury, taking into consideration the current average market yields on outstanding marketable obligations of the United States having maturity comparable to the maturity of such loans, unless the President shall in specific instances upon the recommendation of the advisory committee herein established designate a different rate."

(11) Section 107 of such Act is amended by inserting before the period at the end thereof a comma and the following: "or (3) for the purpose only of title I any nation or area dominated or controlled by a Communist government, or (4) for the purpose only of title I any nation which permits ships or aircraft under its registry to transport to or from Cuba (excluding United States installations in Cuba) any equipment, materials, or commodities, so long as Cuba is governed by the Castro regime. Notwithstanding any other Act, the President is

"Friendly nation."
68 Stat. 457.
7 USC 1707.

authorized to enter into agreements for the sale of surplus agricultural commodities for dollars under title IV with nations which fall within the definition of 'friendly nation' for the purpose of that title. In the case of any such agreement which would be prohibited by any other Act but for the foregoing sentence the maximum payment period shall be five years, instead of twenty years."

"The President is directed that no sales under this Act shall be made with any country if he finds such country is (a) an aggressor, in a military sense, against any country having diplomatic relations with the United States, or (b) using funds, of any sort, from the United States for purposes inimical to the foreign policies of the United States".

(12) Section 108 of such Act is amended by striking out the words "six months" and inserting in lieu thereof the word "year".

(13) Section 203 of such Act is amended (i) by striking out "1961" and substituting "1965"; (ii) by striking out "1964" and substituting "1966"; (iii) by striking out "\$300,000,000", and substituting "\$400,000,000"; and (iv) by inserting after "charges for general average contributions arising out of the ocean transport of commodities transferred pursuant hereto" the following: "or donated under said section 416, section 308 of this Act or section 9 of the Act of September 6, 1958 (72 Stat. 1790)". Clauses (i), (ii), and (iii) hereof shall not become effective until January 1, 1965.

(14) Section 203 of the Act is amended by inserting after the third sentence of said section the following new sentence: "In addition to other funds available for such purposes under any other Act, funds made available under this title may be used in an amount not exceeding \$7,500,000 annually to purchase foreign currencies accruing under title I in order to meet costs (except the personnel and administrative costs of cooperating sponsors, distributing agencies, and recipient agencies, and the costs of construction or maintenance of any church owned or operated edifice or any other edifices to be used for sectarian purposes) designed to assure that commodities made available under this title or under title III are used to carry out more effectively the purposes for which such commodities are made available or to promote community and other self-help activities designed to alleviate the causes of the need for such assistance: *Provided, however,* That such funds shall be used only to supplement and not substitute for, funds normally available for such purposes from other non-United States Government sources."; and by inserting after the word "costs" in the last sentence the words "or for the purchase of foreign currencies".

(15) Sections 109 and 204 of such Act are amended by striking out "1964" and inserting "1966".

(16) Clause (1) of section 304(a) of such Act is amended by inserting after the words "Union of Soviet Socialist Republics" the words "or the Communist regime in China".

(17) The first sentence of section 403 of such Act is amended to read as follows: "Payment for such commodities shall be in dollars with interest at such rate as the Secretary may determine but not less than the minimum rate required by section 201 of the Foreign Assistance Act of 1961 for loans made under that section."

SEC. 2. Subsection (b) of section 612 of the Foreign Assistance Act of 1961, as amended, is amended (1) by redesignating it as subsection (t) of section 104 of the Agricultural Trade Development and Assistance Act of 1954, as amended.

(2) By inserting after the subsection designation the following: "For sale to United States citizens as provided herein.";

(3) By striking "this Act" and substituting "the Foreign Assistance Act of 1961, as amended.";

7 USC 1708.

Famine relief,
etc.
75 Stat. 307.
7 USC 1723.

68 Stat. 458.
7 USC 1431.
73 Stat. 609.
7 USC 1697.
7 USC 1431b.

7 USC 1709,
1724.

71 Stat. 345.
7 USC 1693.

73 Stat. 610.
7 USC 1733.

Foreign cur-
rency sales.
77 Stat. 385.
22 USC 2362.
7 USC 1704.

(4) By changing the period at the end of the subsection to a comma and adding "except that in the case of any such foreign currencies acquired through operations under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, the United States dollars received from the sale of such foreign currencies shall be deposited to the account of the Commodity Credit Corporation and shall be treated as a reimbursement to Commodity Credit Corporation under section 105 of this Act."

7 USC 1705.

Long staple
cotton, exportation.

60 Stat. 596.
50 USC 98 note.

SEC. 3. Notwithstanding any other provision of law, the Commodity Credit Corporation, in order to encourage exports of extra long staple cotton which is in surplus supply at competitive world prices, is directed to offer for sale, whenever extra long staple cotton is in surplus supply, any extra long staple cotton owned by it (except stocks released from the stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act, as amended) at prices not in excess of the prices at which cotton of comparable quality is being offered by other exporting countries, on condition that such cotton be exported or that an equal quantity of extra long staple cotton will be exported within the period specified by the Secretary of Agriculture. The Commodity Credit Corporation may accept bids in excess of the maximum prices specified herein but shall not reject bids at such maximum prices unless a higher bid is received for the same cotton. The Secretary of Agriculture shall make a determination of the amount, if any, of extra long staple cotton which is in surplus supply for the 1964-65 marketing year not later than thirty days after the effective date of this section and for each succeeding marketing year not later than thirty days prior to the beginning of each such marketing year. Extra long staple cotton shall be deemed to be in surplus supply whenever the Secretary of Agriculture determines that the total supply of such cotton (under the formula for determining the "Total supply" of cotton specified in Section 301(b) (16) (C) of the Agricultural Adjustment Act of 1938, as amended, but not including cotton released from such stockpile) is in excess of estimated domestic consumption and estimated exports of such cotton excluding estimated exports made under the authority of this section, plus an allowance for carryover equal to fifty per centum of such estimated consumption and exports. Exports hereunder shall be excluded in making any determination with respect to national marketing quotas under the Agricultural Adjustment Act of 1938, as amended. Nothing herein shall preclude the Corporation from accepting bids which may be made at higher than world prices.

63 Stat. 676.
7 USC 1301.

53 Stat. 31.
7 USC 1281.

68 Stat. 458.
7 USC 1431.

SEC. 4. Section 416 of the Agricultural Act of 1949, as amended, is amended by adding the following at the end of such section: "The assistance to needy persons provided in (4) above shall, insofar as practicable, be directed toward community and other self-help activities designed to alleviate the causes of the need for such assistance."

Approved October 8, 1964.

Public Law 88-639

AN ACT

October 8, 1964
[S. 653]

To provide an adequate basis for administration of the Lake Mead National Recreation Area, Arizona and Nevada, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the national significance of the Lake Mead National Recreation Area, in the States of Arizona and Nevada, and in order to establish a more adequate basis for effective administration of such area for the public benefit, the Secretary of the Interior hereafter may exercise the functions and carry out the activities prescribed by this Act.

Lake Mead National Recreation Area.
Administration.

SEC. 2. Lake Mead National Recreation Area shall comprise that particular land and water area which is shown on a certain map, identified as "boundary map, RA-LM-7060-B, revised July 17, 1963", which is on file and which shall be available for public inspection in the office of the National Park Service of the Department of the Interior. An exact copy of such map shall be filed with the Federal Register within thirty days following the approval of this Act, and an exact copy thereof shall be available also for public inspection in the headquarters office of the superintendent of the said Lake Mead National Recreation Area.

Boundaries.

Filing with Federal Register.

The Secretary of the Interior is authorized to revise the boundaries of such national recreation area, subject to the requirement that the total acreage of that area, as revised, shall be no greater than the present acreage thereof. In the event of such boundary revision, maps of the recreation area, as revised, shall be prepared by the Department of the Interior, and shall be filed in the same manner, and shall be available for public inspection also in accordance with the aforesaid procedures and requirements relating to the filing and availability of maps. The Secretary may accept donations of land and interests in land within the exterior boundaries of such area, or such property may be procured by the Secretary in such manner as he shall consider to be in the public interest.

Boundary revision.

Donations of land.

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within the boundaries of the recreation area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

Property acquisition.

Establishment or revision of the boundaries of the said national recreation area, as herein prescribed, shall not affect adversely any valid rights in the area, nor shall it affect the validity of withdrawals heretofore made for reclamation or power purposes. All lands in the recreation area which have been withdrawn or acquired by the United States for reclamation purposes shall remain subject to the primary use thereof for reclamation and power purposes so long as they are withdrawn or needed for such purposes. There shall be excluded from the said national recreation area by the Secretary of the Interior any property for management or protection by the Bureau of Reclamation, which would be subject otherwise to inclusion in the said recreation area, and which the Secretary of the Interior considers in the national interest should be excluded therefrom.

Property exclusion.

SEC. 3. The authorities granted by this Act shall be subject to the following exceptions and qualifications when exercised with respect

Hualapai Indian lands.

to any tribal or allotted lands of the Hualapai Indians that may be included within the exterior boundaries of the Lake Mead National Recreation Area:

(a) The inclusion of Indian lands within the exterior boundaries of the area shall not be effective until approved by the Hualapai Tribal Council.

(b) Mineral developments or use of the Indian lands shall be permitted only in accordance with the laws that relate to Indian lands.

(c) Leases and permits for general recreational use, business sites, home sites, vacation cabin sites, and grazing shall be executed in accordance with the laws relating to leases of Indian lands, provided that all development and improvement leases so granted shall conform to the development program and standards prescribed for the Lake Mead National Recreation Area.

(d) Nothing in this Act shall deprive the members of the Hualapai Tribe of hunting and fishing privileges presently exercised by them, nor diminish those rights and privileges of that part of the reservation which is included in the Lake Mead Recreation Area.

Recreational
purposes.

SEC. 4. (a) Lake Mead National Recreation Area shall be administered by the Secretary of the Interior for general purposes of public recreation, benefit, and use, and in a manner that will preserve, develop, and enhance, so far as practicable, the recreation potential, and in a manner that will preserve the scenic, historic, scientific, and other important features of the area, consistently with applicable reservations and limitations relating to such area and with other authorized uses of the lands and properties within such area.

Activities.

(b) In carrying out the functions prescribed by this Act, in addition to other related activities that may be permitted hereunder, the Secretary may provide for the following activities, subject to such limitations, conditions, or regulations as he may prescribe, and to such extent as will not be inconsistent with either the recreational use or the primary use of that portion of the area heretofore withdrawn for reclamation purposes:

(1) General recreation use, such as bathing, boating, camping, and picnicking;

(2) Grazing;

(3) Mineral leasing;

(4) Vacation cabin site use, in accordance with existing policies of the Department of the Interior relating to such use, or as such policies may be revised hereafter by the Secretary.

Hunting, fish-
ing, trapping.

SEC. 5. The Secretary of the Interior shall permit hunting, fishing, and trapping on the lands and waters under his jurisdiction within the recreation area in accordance with the applicable laws and regulations of the United States and the respective States: *Provided*, That the Secretary, after consultation with the respective State fish and game commissions, may issue regulations designating zones where and establishing periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment.

Regulations.

SEC. 6. Such national recreation area shall continue to be administered in accordance with regulations heretofore issued by the Secretary of the Interior relating to such areas, and the Secretary may revise such regulations or issue new regulations to carry out the purposes of this Act. In his administration and regulation of the area, the Secretary shall exercise authority, subject to the provisions and limitations of this Act, comparable to his general administrative authority relating to areas of the national park system.

The superintendent, caretakers, officers, or rangers of such recreation area are authorized to make arrests for violation of any of the regulations applicable to the area or prescribed pursuant to this Act, and they may bring the offender before the nearest commissioner, judge, or court of the United States having jurisdiction in the premises.

Arrests.

Any person who violates a rule or regulation issued pursuant to this Act shall be guilty of a misdemeanor, and may be punished by a fine of not more than \$500, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Violations.

SEC. 7. Nothing in this Act shall deprive any State, or any political subdivision thereof, of its civil and criminal jurisdiction over the lands within the said national recreation area, or of its rights to tax persons, corporations, franchises, or property on the lands included in such area. Nothing in this Act shall modify or otherwise affect the existing jurisdiction of the Hualapai Tribe or alter the status of individual Hualapai Indians within that part of the Hualapai Indian Reservation included in said Lake Mead National Recreation Area.

Jurisdiction.

SEC. 8. Revenues and fees obtained by the United States from operation of the national recreation area shall be subject to the same statutory provisions concerning the disposition thereof as are similar revenues collected in areas of the national park system with the exception, that those particular revenues and fees including those from mineral developments, which the Secretary of the Interior finds are reasonably attributable to Indian lands shall be paid to the Indian owner of the land, and with the further exception that other fees and revenues obtained from mineral development and from activities under other public land laws within the recreation area shall be disposed of in accordance with the provisions of the applicable laws.

Revenues and fees.

SEC. 9. A United States commissioner shall be appointed for that portion of the Lake Mead National Recreation Area that is situated in Mohave County, Arizona. Such commissioner shall be appointed by the United States district court having jurisdiction thereover, and the commissioner shall serve as directed by such court, as well as pursuant to, and within the limits of, the authority of said court.

Mohave County,
Ariz.
Appointment of
commissioner.

The functions of such commissioner shall include the trial and sentencing of persons committing petty offenses, as defined in title 18, section 1, United States Code: *Provided*, That any person charged with a petty offense may elect to be tried in the district court of the United States, and the commissioner shall apprise the defendant of his right to make such election, but shall not proceed to try the case unless the defendant, after being so apprised, signs a written consent to be tried before the commissioner. The exercise of additional functions by the commissioner shall be consistent with and be carried out in accordance with the authority, laws, and regulations, of general application to United States commissioners. The provisions of title 18, section 3402, of the United States Code, and the rules of procedure and practice prescribed by the Supreme Court pursuant thereto, shall apply to all cases handled by such commissioner. The probation laws shall be applicable to persons tried by the commissioner and he shall have power to grant probation. The commissioner shall receive the fees, and none other, provided by law for like or similar services.

62 Stat. 831.

Probation laws.

SEC. 10. There are hereby authorized to be appropriated not more than \$1,200,000 for the acquisition of land and interests in land pursuant to section 2 of this Act.

Appropriation.

Approved October 8, 1964.

Public Law 88-640

October 8, 1964
[S. 1531]

AN ACT

To increase the appropriation authorization for the completion of the construction of the irrigation and power systems of the Flathead Indian irrigation project, Montana.

Flathead Indian
irrigation project,
Mont.
Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 5 (c) of the Act of May 25, 1948 (62 Stat. 269), is hereby amended by changing \$1,000,000 to "\$6,200,000 (December 1962 prices) plus or minus such amount, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indices applicable to the types of construction involved therein,".

Approved October 8, 1964.

Public Law 88-641

October 13, 1964
[H. R. 10473]

AN ACT

To extend the period during which Federal payments may be made for foster care in child-care institutions under the program of aid to families with dependent children under title IV of the Social Security Act, and for other purposes.

Social security.
Aid to dependent
children, exten-
sion.

76 Stat. 197.
42 USC 608 note.
53 Stat. 1380.
42 USC 606.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 135 (e) of the Public Welfare Amendments of 1962 is amended by striking out "September 30, 1964" and inserting in lieu thereof "June 30, 1967".

SEC. 2. (a) Section 406 (a) of the Social Security Act is amended by inserting "(1)" after "needy child", by striking out "under the age of eighteen," and by inserting before the semicolon at the end thereof "and (2) who is (A) under the age of eighteen, or (B) under the age of twenty-one and (as determined in accordance with standards prescribed by the Secretary) a student regularly attending a high school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational or technical training designed to fit him for gainful employment".

(b) So much of section 407 of such Act which precedes paragraph (1) is amended by striking out "under the age of eighteen" and inserting in lieu thereof "who meets the requirements of section 406 (a) (2)," by inserting a comma after "parent", and by striking out "relatives specified in section 406 (a)" and inserting in lieu thereof "relatives specified in section 406 (a) (1)".

Approved October 13, 1964.

75 Stat. 75.
42 USC 607.

Public Law 88-642

October 13, 1964
[S. 2460]

AN ACT

To amend the Act of July 13, 1959, so as to extend the period of time within which certain construction may be undertaken by the State of Missouri on lands conveyed to such State by the United States.

Missouri.
Land convey-
ance provisions,
extension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third paragraph of the Act entitled "An Act to authorize the sale of certain lands to the State of Missouri", approved July 13, 1959 (73 Stat. 181), is amended by striking out "within five years" and inserting in lieu thereof "within ten years".

Approved October 13, 1964.

Public Law 88-643

AN ACT

October 13, 1964
[H. R. 8427]

To provide for the establishment and maintenance of a Central Intelligence Agency Retirement and Disability System for a limited number of employees, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Central Intelligence Agency Retirement Act of 1964 for Certain Employees.

TITLE I—TITLE AND DEFINITIONS

PART A—TITLE

SEC. 101. This Act may be cited as the "Central Intelligence Agency Retirement Act of 1964 for Certain Employees".

PART B—DEFINITIONS

SEC. 111. When used in this Act, the term—

- (1) "Agency" means the Central Intelligence Agency;
- (2) "Director" means the Director of Central Intelligence; and
- (3) "Qualifying service" means service performed as a participant in the system or, in the case of service prior to designation, service determined by the Director to have been performed in carrying out duties described in section 203.

TITLE II—THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

PART A—ESTABLISHMENT OF SYSTEM

RULES AND REGULATIONS

SEC. 201. (a) The Director may prescribe rules and regulations for the establishment and maintenance of a Central Intelligence Agency Retirement and Disability System for a limited number of employees, referred to hereafter as the system; such rules and regulations to become effective after approval by the chairman and ranking minority members of the Armed Services Committees of the House and Senate.

(b) The Director shall administer the system in accordance with such rules and regulations and with the principles established by this Act.

(c) In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 102(d)(3) of the National Security Act of 1947, as amended (50 U.S.C. 403(d)(3)), that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, and notwithstanding the provisions of the Administrative Procedure Act (5 U.S.C. 1001 et seq.) or any other provisions of law, any determinations by the Director authorized by the provisions of this Act shall be deemed to be final and conclusive and not subject to review by any court.

61 Stat. 498.

60 Stat. 237.

ESTABLISHMENT AND MAINTENANCE OF FUND

SEC. 202. There is hereby created a fund to be known as the Central Intelligence Agency Retirement and Disability Fund which shall be maintained by the Director. The Central Intelligence Agency Retirement and Disability Fund is referred to hereafter as the fund.

PARTICIPANTS

SEC. 203. The Director may designate from time to time such Agency officers and employees whose duties are determined by the Director to be (i) in support of Agency activities abroad hazardous to life or health or (ii) so specialized because of security requirements as to be clearly distinguishable from normal government employment, hereafter referred to as participants, who shall be entitled to the benefits of the system. Any participant who has completed fifteen years of service with the Agency and whose career at that time is adjudged by the Director to be qualifying for the system may elect to remain a participant of such system for the duration of his employment by the Agency and such election shall not be subject to review or approval by the Director.

ANNUITANTS

SEC. 204. (a) Annuitants shall be participants who are receiving annuities from the fund and all persons, including surviving wives and husbands, widows, dependent widowers, children, and beneficiaries of participants or annuitants who shall become entitled to receive annuities in accordance with the provisions of this Act.

Definitions.

(b) When used in this Act the term—

(1) "Widow" means the surviving wife of a participant who was married to such participant for at least two years immediately preceding his death or is the mother of issue by marriage to the participant.

(2) "Dependent widower" means the surviving husband of a participant who was married to such participant for at least two years immediately preceding her death or is the father of issue by marriage to the participant, and who is incapable of self-support by reason of mental or physical disability, and who received more than one-half of his support from such participant.

(3) "Child", for the purposes of sections 221 and 232 of this Act, means an unmarried child, including (i) an adopted child, and (ii) a stepchild or recognized natural child who received more than one-half of his support from and lived with the participant in a regular parent-child relationship, under the age of eighteen years, or such unmarried child regardless of age who because of physical or mental disability incurred before age eighteen is incapable of self-support or such unmarried child between eighteen and twenty-one years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution. A child whose twenty-first birthday occurs prior to July 1 or after August 31 of any calendar year, and while he is regularly pursuing such a course of study or training, shall be deemed for the purposes of this paragraph and section 221(c) of this Act to have attained the age of twenty-one on the first day of July following such birthday. A child who is a student shall not be deemed to have ceased to be a student during any interim between school years if the interim does not exceed four months and if he shows to the satisfaction of the Director that he has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately following the interim.

PART B—COMPULSORY CONTRIBUTIONS

SEC. 211. (a) Six and one-half per centum of the basic salary received by each participant shall be contributed to the fund for the payment of annuities, cash benefits, refunds and allowances. An equal sum shall also be contributed from the respective appropriation or fund which is used for payment of his salary. The amounts deducted and withheld from basic salary together with the amounts so contributed from the appropriation or fund shall be deposited by the Agency to the credit of the fund.

(b) Each participant shall be deemed to consent and agree to such deductions from basic salary, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services during the period covered by such payment, except the right to the benefits to which he shall be entitled under this Act, notwithstanding any law, rule, or regulation affecting the individual's salary.

PART C—COMPUTATION OF ANNUITIES

SEC. 221. (a) The annuity of a participant shall be equal to 2 per centum of his average basic salary for the highest five consecutive years of service, for which full contributions have been made to the fund, multiplied by the number of years, not exceeding thirty-five, of service credit obtained in accordance with the provisions of sections 251 and 252. In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, shall not be counted.

(b) At the time of retirement, any married participant may elect to receive a reduced annuity and to provide for an annuity payable to his wife or her husband, commencing on the date following such participant's death and terminating upon the death or remarriage of such surviving wife or husband. The annuity payable to the surviving wife or husband after such participant's death shall be 55 per centum of the amount of the participant's annuity computed as prescribed in paragraph (a) of this section, up to the full amount of such annuity specified by him as the base for the survivor benefits. The annuity of the participant making such election shall be reduced by 2½ per centum of any amount up to \$3,600 he specified as the base for the survivor benefit plus 10 per centum of any amount over \$3,600 so specified.

(c) (1) If an annuitant dies and is survived by a wife or husband and by a child or children, in addition to the annuity payable to the surviving wife or husband, there shall be paid to or on behalf of each child an annuity equal to the smallest of: (i) 40 per centum of the annuitant's average basic salary, as determined under paragraph (a) of this section, divided by the number of children; (ii) \$600; or (iii) \$1,800 divided by the number of children.

(2) If an annuitant dies and is not survived by a wife or husband but by a child or children, each surviving child shall be paid an annuity equal to the smallest of: (i) 50 per centum of the annuitant's average basic salary, as determined under paragraph (a) of this section, divided by the number of children; (ii) \$720; or (iii) \$2,160 divided by the number of children.

(d) If a surviving wife or husband dies or the annuity of a child is terminated, the annuities of any remaining children shall be recomputed and paid as though such wife, husband, or child had not survived the participant.

(e) The annuity payable to a child under paragraph (c) or (d) of this section shall begin on the day after the participant dies, and

such annuity or any right thereto shall terminate on the last day of the month before (1) his attaining age eighteen unless incapable of self-support, (2) his becoming capable of self-support after age eighteen, (3) his marriage, or (4) his death, except that the annuity of a child who is a student as described in section 204(b)(3) of this Act shall terminate on the last day of the month before (1) his marriage, (2) his death, (3) his ceasing to be such a student, or (4) his attaining age twenty-one.

(f) Any unmarried participant retiring under the provisions of this Act and found by the Director to be in good health may at the time of retirement elect a reduced annuity, in lieu of the annuity as hereinbefore provided, and designate in writing a person having an insurable interest (as that term is used in section 9(h) of the Civil Service Retirement Act (5 U.S.C. 2259(h))) in the participant to receive an annuity after the participant's death. The annuity payable to the participant making such election shall be reduced by 10 per centum of an annuity computed as provided in paragraph (a) of this section, and by 5 per centum of an annuity so computed for each full five years the person designated is younger than the participant, but such total reduction shall not exceed 40 per centum. The annuity of a survivor designated under this paragraph shall be 55 per centum of the reduced annuity computed as prescribed above. The annuity payable to a beneficiary under the provisions of this paragraph shall begin on the first day of the next month after the participant dies. Upon the death of the surviving beneficiary all payments shall cease and no further annuity payments authorized under this paragraph shall be due or payable.

70 Stat. 752.

PART D—BENEFITS ACCRUING TO CERTAIN PARTICIPANTS

RETIREMENT FOR DISABILITY OR INCAPACITY—MEDICAL EXAMINATION—RECOVERY

SEC. 231. (a) Any participant who has five years of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with provisions of section 251 or 252(a)(2), and who becomes totally disabled or incapacitated for useful and efficient service by reason of disease, illness, or injury not due to vicious habits, intemperance, or willful misconduct on his part, shall, upon his own application or upon order of the Director, be retired on an annuity computed as prescribed in section 221. If the disabled or incapacitated participant is under sixty and has less than twenty years of service credit toward his retirement under the system at the time he is retired, his annuity shall be computed on the assumption that he has had twenty years of service, but the additional service credit that may accrue to a participant under this provision shall in no case exceed the difference between his age at the time of retirement and age sixty, but this provision shall not increase the annuity of any survivor.

(b) In each case, the participant shall be given a medical examination by one or more duly qualified physicians or surgeons designated by the Director to conduct examinations, and disability shall be determined by the Director on the basis of the advice of such physicians or surgeons. Unless the disability is permanent, like examinations shall be made annually until the annuitant has reached the statutory mandatory retirement age for his grade as provided in section 235. If the Director determines on the basis of the advice of one or more duly qualified physicians or surgeons conducting such examinations that an annuitant has recovered to the extent that he can return to duty, the annuitant may apply for reinstatement or

reappointment in the Agency within one year from the date his recovery is determined. Upon application the Director may reinstate any such recovered disability annuitant in the grade in which he was serving at time of retirement, or the Director may, taking into consideration the age, qualifications, and experience of such annuitant, and the present grade of his contemporaries in the Agency, appoint him to a grade higher than the one in which he was serving prior to retirement. Payment of the annuity shall continue until a date six months after the date of the examination showing recovery or until the date of reinstatement or reappointment in the Agency, whichever is earlier. Fees for examinations under this provision, together with reasonable traveling and other expenses incurred in order to submit to examination, shall be paid out of the fund. If the annuitant fails to submit to examination as required under this section, payment of the annuity shall be suspended until continuance of the disability is satisfactorily established.

(c) If a recovered disability annuitant whose annuity is discontinued is for any reason not reinstated or reappointed in the Agency, he shall be considered to have been separated within the meaning of paragraphs (a) and (b) of section 234 as of the date he was retired for disability and he shall, after the discontinuance of the disability annuity, be entitled to the benefits of that section or of section 241 (a) except that he may elect voluntary retirement in accordance with the provisions of section 233 if he can qualify under its provisions.

(d) No participant shall be entitled to receive an annuity under this Act and compensation for injury or disability to himself under the Federal Employees' Compensation Act of September 7, 1916, as amended (5 U.S.C. 751 et seq.), covering the same period of time. This provision shall not bar the right of any claimant to the greater benefit conferred by either Act for any part of the same period of time. Neither this provision nor any provision of the said Act of September 7, 1916, as amended, shall be so construed as to deny the right of any participant to receive an annuity under this Act by reason of his own services and to receive concurrently any payment under such Act of September 7, 1916, as amended, by reason of the death of any other person.

39 Stat. 742;
63 Stat. 854.

(e) Notwithstanding any provision of law to the contrary, the right of any person entitled to an annuity under this Act shall not be affected because such person has received an award of compensation in a lump sum under section 14 of the Federal Employees' Compensation Act of September 7, 1916, as amended (5 U.S.C. 764), except that where such annuity is payable on account of the same disability for which compensation under such section has been paid, so much of such compensation as has been paid for any period extended beyond the date such annuity becomes effective, as determined by the Secretary of Labor, shall be refunded to the Department of Labor, to be paid into the Federal employees' compensation fund. Before such person shall receive such annuity he shall (1) refund to the Department of Labor the amount representing such commuted payments for such extended period, or (2) authorize the deduction of such amount from the annuity payable to him under this Act, which amount shall be transmitted to such Department for reimbursement to such fund. Deductions from such annuity may be made from accrued and accruing payments, or may be prorated against and paid from accruing payments in such manner as the Secretary of Labor shall determine, whenever he finds that the financial circumstances of the annuitant are such as to warrant such deferred refunding.

Conditions.

DEATH IN SERVICE

SEC. 232. (a) In case a participant dies and no claim for annuity is payable under the provisions of this Act, his contributions to the fund, with interest at the rates prescribed in sections 241(a) and 281(a), shall be paid in the order of precedence shown in section 241(b).

(b) If a participant, who has at least five years of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with the provisions of section 251 or 252(a)(2), dies before separation or retirement from the Agency and is survived by a widow or a dependent widower, as defined in section 204, such widow or dependent widower shall be entitled to an annuity equal to 55 per centum of the annuity computed in accordance with the provisions of section 221(a). The annuity of such widow or dependent widower shall commence on the date following death of the participant and shall terminate upon death or remarriage of the widow or dependent widower, or upon the dependent widower's becoming capable of self-support.

(c) If a participant who has at least five years of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with the provisions of section 251 or 252(a)(2), dies before separation or retirement from the Agency and is survived by a wife or a husband and a child or children, each surviving child shall be entitled to an annuity computed in accordance with the provisions of section 221(c)(1). The child's annuity shall begin and be terminated in accordance with the provisions of section 221(e). Upon the death of the surviving wife or husband or termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though such wife or husband or child had not survived the participant.

(d) If a participant who has at least five years of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with the provisions of section 251 or 252(a)(2), dies before separation or retirement from the Agency and is not survived by a wife or husband, but by a child or children, each surviving child shall be entitled to an annuity computed in accordance with the provisions of section 221(c)(2). The child's annuity shall begin and terminate in accordance with the provisions of section 221(e). Upon termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though that child had never been entitled to the benefit.

VOLUNTARY RETIREMENT

SEC. 233. Any participant in the system who is at least fifty years of age and has rendered twenty years of service may on his own application and with the consent of the Director be retired from the Agency and receive benefits in accordance with the provisions of section 221 provided he has not less than ten years of service with the Agency of which at least five shall have been qualifying service.

DISCONTINUED SERVICE BENEFITS

SEC. 234. (a) Any participant who separates from the Agency after having performed not less than five years of service with the Agency, may, upon separation from the Agency or at any time prior to becoming eligible for an annuity, elect to have his contributions to the fund returned to him in accordance with the provisions of section 241, or (except in cases where the Director determines that separation was

based in whole or in part on the ground of disloyalty to the United States) to leave his contributions in the fund and receive an annuity, computed as prescribed in section 221, commencing at the age of sixty-two years.

(b) If a participant who has qualified in accordance with the provisions of paragraph (a) of this section to receive a deferred annuity commencing at the age of sixty-two dies before reaching the age of sixty-two his contributions to the fund, with interest, shall be paid in accordance with the provisions of sections 241 and 281.

MANDATORY RETIREMENT

SEC. 235. (a) The Director may in his discretion place in a retired status any participant who has completed at least twenty-five years of service, or who is at least fifty years of age and has completed at least twenty years of service, provided such participant has not less than ten years of service with the Agency of which at least five shall have been qualifying service. If so retired, such participant shall receive retirement benefits in accordance with the provisions of section 221.

(b) Any participant in the system receiving compensation at the rate of grade GS-18 or above shall be automatically separated from the Agency upon reaching the age of sixty-five. Any participant in the system receiving compensation at a rate less than grade GS-18 shall be automatically separated from the Agency upon reaching the age of sixty. Such separation shall be effective on the last day of the month in which a participant reaches age sixty or sixty-five, as specified in this section, but whenever the Director shall determine it to be in the public interest, he may extend such participant's service for a period not to exceed five years. A participant separated under the provisions of this section who has completed five years of Agency service shall receive retirement benefits in accordance with the provisions of section 221 of this Act.

LIMITATION ON NUMBER OF RETIREMENTS

SEC. 236. The number of participants retiring on an annuity pursuant to sections 233, 234, and 235 of this Act shall not exceed a total of four hundred during the period ending on June 30, 1969, nor a total of four hundred during the period beginning on July 1, 1969, and ending on June 30, 1974.

PART E—DISPOSITION OF CONTRIBUTIONS AND INTEREST IN EXCESS OF BENEFITS RECEIVED

SEC. 241. (a) Whenever a participant becomes separated from the Agency without becoming eligible for an annuity or a deferred annuity in accordance with the provisions of this Act, the total amount of contributions from his salary with interest thereon at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter compounded annually to December 31, 1956 (or, in the case of a participant separated from the Agency before he has completed five years of service, to the date of separation) and proportionately for the period served during the year of separation including all contributions made during or for such period, except as provided in section 281, shall be returned to him.

(b) In the event that the total contributions of a retired participant, other than voluntary contributions made in accordance with the provisions of section 281, with interest at the rates provided in paragraph (a) of this section added thereto, exceed the total amount returned to

such participant or to an annuitant claiming through him, in the form of annuities, the excess of the accumulated contributions over the accumulated annuity payments shall be paid in the following order of precedence, upon the establishment of a valid claim therefor, and such payment shall be a bar to recovery by any other person:

(1) To the beneficiary or beneficiaries designated by such participant in writing to the Director;

(2) If there be no such beneficiary to the surviving wife or husband of such participant;

(3) If none of the above, to the child or children of such participant and descendants of deceased children by representation;

(4) If none of the above, to the parents of such participant or the survivor of them;

(5) If none of the above, to the duly appointed executor or administrator of the estate of such participant;

(6) If none of the above, to other next of kin of such participant as may be determined by the Director in his judgment to be legally entitled thereto.

(c) No payment shall be made pursuant to paragraph (b) (6) of this section until after the expiration of thirty days from the death of the retired participant or his surviving annuitant.

PART F—PERIOD OF SERVICE FOR ANNUITIES

COMPUTATION OF LENGTH OF SERVICE

SEC. 251. For the purposes of this Act, the period of service of a participant shall be computed from the date he becomes a participant under the provisions of this Act, but all periods of separation from the Agency and so much of any leaves of absence without pay as may exceed six months in the aggregate in any calendar year shall be excluded, except leaves of absence while receiving benefits under the Federal Employees' Compensation Act of September 7, 1916, as amended (5 U.S.C. 751 et seq.), and leaves of absence granted participants while performing active and honorable military or naval service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States.

39 Stat. 742;
63 Stat. 854.

PRIOR SERVICE CREDIT

SEC. 252. (a) A participant may, subject to the provisions of this section, include in his period of service—

(1) civilian service in the executive, judicial, and legislative branches of the Federal Government and in the District of Columbia government, prior to becoming a participant; and

(2) active and honorable military or naval service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States prior to the date of the separation upon which title to annuity is based.

(b) A participant may obtain prior civilian service credit in accordance with the provisions of paragraph (a)(1) of this section by making a special contribution to the fund equal to the percentage of his basic annual salary for each year of service for which credit is sought specified with respect to such year in the table relating to employees contained in section 4(c) of the Civil Service Retirement Act (5 U.S.C. 2254(c)), together with interest computed as provided in section 4(e) of such Act (5 U.S.C. 2254(e)). Any such participant may, under such conditions as may be determined in each instance by the Director, pay such special contributions in installments.

70 Stat. 747.

(c)(1) If an officer or employee under some other Government retirement system becomes a participant in the system by direct transfer, such officer or employee's total contributions and deposits, including interest accrued thereon, except voluntary contributions, shall be transferred to the fund effective as of the date such officer or employee becomes a participant in the system. Each such officer or employee shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered prior to becoming a participant in the system.

(2) No participant, whose contributions are transferred to the fund in accordance with the provisions of paragraph (c)(1) of this section, shall be required to make contributions in addition to those transferred for periods of service for which full contributions were made to the other Government retirement fund, nor shall any refund be made to any such participant on account of contributions made during any period to the other Government retirement fund at a higher rate than that fixed for employees by section 4(c) of the Civil Service Retirement Act (5 U.S.C. 2254(c)) for contributions to the fund.

70 Stat. 747.

(3) No participant, whose contributions are transferred to the fund in accordance with the provisions of paragraph (c)(1) of this section, shall receive credit for periods of service for which a refund of contributions has been made, or for which no contributions were made to the other Government retirement fund. A participant may, however, obtain credit for such prior service by making a special contribution to the fund in accordance with the provisions of paragraph (b) of this section.

(d) No participant may obtain prior civilian service credit toward retirement under the system for any period of civilian service on the basis of which he is receiving or will in the future be entitled to receive any annuity under another retirement system covering civilian personnel of the Government.

(e) A participant may obtain prior military or naval service credit in accordance with the provisions of paragraph (a)(2) of this section by applying for it to the Director prior to retirement or separation from the Agency. However, in the case of a participant who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included, except that in the case of a participant who is eligible for and receives retired pay on account of a service-connected disability incurred in combat with an enemy of the United States or caused by an instrumentality of war and incurred in line of duty during a period of war (as that term is used in chapter 11 of title 38, United States Code), or is awarded under chapter 67 of title 10 of the United States Code, the period of such military or naval service shall be included. No contributions to the fund shall be required in connection with military or naval service credited to a participant in accordance with the provisions of paragraph (a)(2) of this section.

38 USC 301-360.
10 USC 1331-
1337.

(f) Notwithstanding any other provision of this section or section 253 any military service (other than military service covered by military leave with pay) performed by a participant after December 1956 shall be excluded in determining the aggregate period of service upon which an annuity payable under this Act to such participant or to his widow or child is to be based, if such participant or widow or child is entitled (or would upon proper application be entitled) at the time of such determination, to monthly old-age or survivors' benefits under section 202 of the Social Security Act, as amended (42 U.S.C. 402),

49 Stat. 623.

based on such participant's wages and self-employment income. If in the case of the participant or widow such military service is not excluded under the preceding sentence, but upon attaining age sixty-two, he or she becomes entitled (or would upon proper application be entitled) to such benefits, the aggregate period of service upon which such annuity is based shall be redetermined, effective as of the first day of the month in which he or she attains such age, so as to exclude such service.

CREDIT FOR SERVICE WHILE ON MILITARY LEAVE

SEC. 253. (a) A participant who, during the period of any war, or of any national emergency as proclaimed by the President or declared by the Congress, has left or leaves his position to enter the military service shall not be considered, for the purposes of this Act, as separated from his Agency position by reason of such military service, unless he shall apply for and receive a refund of contributions under this Act: *Provided*, That such participant shall not be considered as retaining his Agency position beyond December 31, 1956, or the expiration of five years of such military service, whichever is later.

(b) Contributions shall not be required covering periods of leave of absence from the Agency granted a participant while performing active military or naval service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States.

PART G—MONEYS

ESTIMATE OF APPROPRIATIONS NEEDED

SEC. 261. The Director shall prepare the estimates of the annual appropriations required to be made to the fund, and shall cause to be made actuarial valuations of the fund at intervals of five years, or oftener if deemed necessary by him.

INVESTMENT OF MONEYS IN THE FUND

SEC. 262. The Director may, with the approval of the Secretary of the Treasury, invest from time to time in interest-bearing securities of the United States such portions of the fund as in his judgment may not be immediately required for the payment of annuities, cash benefits, refunds, and allowances, and the income derived from such investments shall constitute a part of such fund.

ATTACHMENT OF MONEYS

SEC. 263. None of the moneys mentioned in this Act shall be assignable either in law or equity, or be subject to execution, levy, attachment, garnishment, or other legal process.

PART H—RETIRED PARTICIPANTS RECALLED, REINSTATED, OR REAPPOINTED IN THE AGENCY, OR REEMPLOYED IN THE GOVERNMENT

RECALL

SEC. 271. (a) The Director may, with the consent of any retired participant, recall such participant to duty in the Agency whenever he shall determine such recall is in the public interest.

(b) Any such participant recalled to duty in the Agency in accordance with the provisions of paragraph (a) of this section or reinstated or reappointed in accordance with the provisions of section 231(b)

shall, while so serving, be entitled in lieu of his annuity to the full salary of the grade in which he is serving. During such service, he shall make contributions to the fund in accordance with the provisions of section 211. When he reverts to his retired status, his annuity shall be determined anew in accordance with the provisions of section 221.

REEMPLOYMENT

SEC. 272. Notwithstanding any other provision of law, a participant retired under the provisions of this Act shall not, by reason of his retired status, be barred from employment in Federal Government service in any appointive position for which he is qualified. An annuitant so reemployed shall serve at the will of the appointing officer.

REEMPLOYMENT COMPENSATION

SEC. 273. (a) Notwithstanding any other provision of law, any annuitant who has retired under this Act and who is reemployed in the Federal Government service in any appointive position either on a part-time or full-time basis shall be entitled to receive his annuity payable under this Act, but there shall be deducted from his salary a sum equal to the annuity allocable to the period of actual employment.

(b) In the event of any overpayment under this section, such overpayment shall be recovered by withholding the amount involved from the salary payable to such reemployed annuitant, or from any other moneys, including his annuity, payable in accordance with the provisions of this Act.

PART I—VOLUNTARY CONTRIBUTIONS

SEC. 281. (a) Any participant may, at his option and under such regulations as may be prescribed by the Director, deposit additional sums in multiples of 1 per centum of his basic salary, but not in excess of 10 per centum of such salary, which amounts together with interest at 3 per centum per annum, compounded annually as of December 31, and proportionately for the period served during the year of his retirement, including all contributions made during or for such period, shall, at the date of his retirement and at his election, be—

- (1) returned to him in lump sum;
- (2) used to purchase an additional life annuity;
- (3) used to purchase an additional life annuity for himself and to provide for a cash payment on his death to a beneficiary whose name shall be notified in writing to the Director by the participant; or
- (4) used to purchase an additional life annuity for himself and a life annuity commencing on his death payable to a beneficiary whose name shall be notified in writing to the Director by the participant with a guaranteed return to the beneficiary or his legal representative of an amount equal to the cash payment referred to in subparagraph (3) above.

(b) The benefits provided by subparagraphs (2), (3), or (4) of paragraph (a) of this section shall be actuarially equivalent in value to the payment provided for by subparagraph (a)(1) of this section and shall be calculated upon such tables of mortality as may be from time to time prescribed for this purpose by the Director.

(c) In case a participant shall become separated from the Agency for any reason except retirement on an annuity, the amount of any additional deposits with interest at 3 per centum per annum, compounded as is provided in paragraph (a) of this section, made by him

under the provisions of said paragraph (a) shall be refunded in the manner provided in section 241 for the return of contributions and interest in the case of death or separation from the Agency.

(d) Any benefits payable to a participant or to his beneficiary in respect to the additional deposits provided under this section shall be in addition to the benefits otherwise provided under this Act.

PART J—COST-OF-LIVING ADJUSTMENT OF ANNUITIES

SEC. 291. (a) On the basis of determinations made by the Civil Service Commission pursuant to section 18 of the Civil Service Retirement Act, as amended, pertaining to per centum change in the price index, the following adjustments shall be made:

76 Stat. 869.
5 USC 2268.

(1) Effective April 1, 1966, if the change in the price index from 1964 to 1965 shall have equaled a rise of at least 3 per centum, each annuity payable from the fund which has a commencing date earlier than January 2, 1965, shall be increased by the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum.

(2) Effective April 1 of any year other than 1966 after the price index change shall have equaled a rise of at least 3 per centum, each annuity payable from the fund which has a commencing date earlier than January 2 of the preceding year shall be increased by the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum.

(b) Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the fund as of the effective date of an increase, except as follows:

(1) Effective from the date of the first increase under this section, an annuity payable from the fund to an annuitant's survivor (other than a child entitled under section 221(c)), which annuity commenced the day after the annuitant's death, shall be increased as provided in subsection (a)(1) or (a)(2) if the commencing date of annuity to the annuitant was earlier than January 2 of the year preceding the first increase.

(2) Effective from its commencing date, an annuity payable from the fund to an annuitant's survivor (other than a child entitled under section 221(c)), which annuity commences the day after the annuitant's death and after the effective date of the first increase under this section, shall be increased by the total per centum increase the annuitant was receiving under this section at death.

(3) For purposes of computing an annuity which commences after the effective date of the first increase under this section to a child under section 221(c), the items \$600, \$720, \$1,800, and \$2,160 appearing in section 221(c) shall be increased by the total per centum increase allowed and in force under this section and, in case of a deceased annuitant, the items 40 per centum and 50 per centum appearing in section 221(c) shall be increased by the total per centum increase allowed and in force under this section to the annuitant at death. Effective from the date of the first increase under this section, the provisions of this paragraph shall apply as if such first increase were in effect with respect to computation of a child's annuity under section 221(c) which commenced between January 2 of the year preceding the first increase and the effective date of the first increase.

(c) No increase in annuity provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

(d) The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar.

Approved October 13, 1964.

Public Law 88-644

AN ACT

October 13, 1964
[H. R. 5871]

To modify the retirement benefits of the judges of the District of Columbia Court of General Sessions, the District of Columbia Court of Appeals, and the Juvenile Court of the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11-1701 of the District of Columbia Code is amended to read as follows:

“§ 11-1701. Retirement, resignation, and nonreappointment of judges; recall

District of Columbia Judges Retirement Act of 1964.
77 Stat. 502.

“(a) (1) Any judge of the District of Columbia Court of General Sessions, any judge of the District of Columbia Court of Appeals (as established by this Act), or any judge of the Juvenile Court of the District of Columbia who is subject to this subsection shall hereafter be eligible to retire after having served as a judge of such court or courts for a period or periods aggregating ten years or more, whether continuously or not. Any judge who so retires shall receive annually in equal monthly installments, during the remainder of his life, a sum equal to such proportion of the salary received by such judge at the date of such retirement as the total of his aggregate years of service bears to the period of thirty years, the same to be paid in the same manner as the salary of such judge: *Provided*, That if any such judge shall retire after twenty or more years of service, other than for permanent disability, his retirement salary shall not commence until he shall have reached the age of fifty: *Provided further, however*, That if any such judge shall retire after less than twenty years of service, other than for permanent disability, his retirement salary shall not commence until he shall have reached the age of sixty-two, except that such judge may elect to receive a reduced retirement salary beginning at the age of fifty-five or at the date of his retirement if subsequent to that age, the reduction in retirement salary in such case to be one-half of 1 per centum for each month or fraction of a month the judge is under the age of sixty-two at the time of commencement of his reduced retirement salary. In no event shall the sum received by any judge as retirement salary under this subsection be in excess of 80 per centum of the salary of such judge at the date of such retirement. In computing the years of service under this section, service in either the Police Court of the District of Columbia or the Municipal Court of the District of Columbia, or the Juvenile Court of the District of Columbia, the District of Columbia Court of Appeals, or the District of Columbia Court of General Sessions, as heretofore constituted, shall be included whether or not such service be continuous. The terms ‘retire’ and ‘retirement’ as used in this section shall mean retirement, resignation, or failure of reappointment upon the expiration of the term of office of an incumbent.

Salary limitation.

“Retire and retirement.”

“(2) Any judge subject to this subsection may hereafter retire after having served five years or more and having become permanently disabled from performing his duties. Such judge may retire for disability by furnishing to the Commissioners of the District of Columbia a certificate of disability signed by a duly licensed physician and approved by the Surgeon General of the Public Health Service. A judge who retires for disability under this subsection shall receive annually in equal monthly installments, during the remainder of his life, a sum equal to such proportion of the salary received by such judge at the date of such retirement as the total of his aggregate years of service bears to the period of thirty years, the same to be paid in the

Disability.

same manner as the salary of such judge, except that in no event shall the sum received by any judge as retirement salary hereunder be in excess of 80 per centum of the salary of such judge at the date of such retirement for disability.

Recall to service.

"(3) Any judge receiving retirement salary under the provisions of this subsection or under the provisions of this section as it existed immediately prior to its amendment by the District of Columbia Judges Retirement Act of 1964 may be called upon by the chief judge of the District of Columbia Court of General Sessions, or the chief judge of the District of Columbia Court of Appeals, or the chief judge of the Juvenile Court of the District of Columbia, to perform such judicial duties as may be requested of him in any of such courts, but in any event no such retired judge shall be required to render such service for a total of more than ninety days in any calendar year after such retirement. Any judge called upon pursuant to this subsection to perform judicial duties who, for any reason except illness or disability, fails to perform such duties so requested shall forfeit all right to retired pay under this section for the one-year period which begins on the first day on which he so fails to perform such duties. In case of illness or disability precluding the rendering of such service such judge shall be fully relieved of any such duty during such illness or disability.

Salary deductions.

"(4) From and after the first day of the first pay period which begins on or after the effective date of the District of Columbia Judges Retirement Act of 1964, there shall be deducted and withheld from the basic salary of each judge subject to the provisions of this subsection an amount equal to $3\frac{1}{2}$ per centum of such judge's basic salary. The amounts so deducted and withheld shall, in accordance with such procedures as may be prescribed by the Commissioners of the District of Columbia, be deposited in the District of Columbia Judicial Retirement and Survivors Annuity Fund established pursuant to paragraph (1) of subsection (d) of this section. Each judge subject to the provisions of this subsection shall be deemed to consent and agree to such deductions from basic salary and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular service during the period covered by such payment, except the right to the benefits to which he shall be entitled under this subsection, notwithstanding any law, rule, or regulation affecting the individual's salary.

Post, p. 1061.

Deposits.

"(5) Each judge subject to the provisions of this subsection shall deposit, with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, in the fund, a sum equal to $3\frac{1}{2}$ per centum of his salary received for judicial service performed by him as a judge of any court referred to in paragraph (1) of subsection (a) prior to the date he became subject to the provisions of this subsection. Each judge may elect to make such deposits in installments during the continuance of his judicial service in such amounts as may be determined in each instance by the Commissioners of the District of Columbia. Notwithstanding the failure of any such judge to make such deposits, credit shall be allowed for the service rendered but the retirement pay of such judge shall be reduced by 10 per centum of such deposit remaining unpaid, unless such judge shall elect to eliminate the service involved for purposes of retirement salary computation.

Resignation or death.

"(6) If any judge who is subject to the provisions of this subsection resigns from his judicial office otherwise than under the provisions of this subsection, all amounts deducted from his salary under paragraph (4) and deposited by him under paragraph (5), together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per

annum thereafter, compounded on December 31 of each year, to the date of his relinquishment of office, shall be returned to him. In any case in which any such judge, who has not elected to bring himself within the purview of subsection (b) of this section, dies while in regular active service, all amounts so deducted from his salary and deposited by him under this subsection remaining in the fund at the time of his death, together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, to the date of his death, shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving him in the order of precedence provided for in paragraph (7) of subsection (b). Such payments shall be a bar to recovery by any other person.

“(7) All judges of the District of Columbia Court of General Sessions, the District of Columbia Court of Appeals, and the Juvenile Court of the District of Columbia shall be subject to the provisions of this subsection, except that any such judge who is serving as such on the effective date of the District of Columbia Judges Retirement Act of 1964 shall be subject to this subsection (except paragraph (3) of this subsection) only if, within one year following such date, such judge files with the Commissioners of the District of Columbia a written election to come within the purview of this subsection. Such election once made shall be irrevocable. If no election is made within such one-year period, such judge shall have his right to retirement salary and the amount thereof determined as though the District of Columbia Judges Retirement Act of 1964 had not been enacted.

Election of
benefits by
judges.

“(b) (1) Any judge of any of the courts referred to in paragraph (1) of subsection (a), whether or not subject to the provisions of subsection (a) of this section, or any judge retired under the provisions of this section as it existed prior to the enactment of the District of Columbia Judges Retirement Act of 1964, may, by written election filed with the Commissioners of the District of Columbia within six months after the date on which he takes office, or is reappointed to office (or within six months after the effective date of the District of Columbia Judges Retirement Act of 1964), bring himself within the purview of this subsection.

“(2) There shall be deducted and withheld from the salary of each judge electing to bring himself within the purview of this subsection a sum equal to 3 per centum of such judge's salary, including salary paid after retirement under the provisions of this section. The amounts so deducted and withheld from the salary of each such judge shall, in accordance with such procedure as may be prescribed by the Commissioners of the District of Columbia, be deposited in the fund. Every judge who elects to bring himself within the purview of this subsection shall be deemed thereby to consent and agree to the deductions from his salary as provided in this subsection, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all judicial services rendered by such judge during the period covered by such payment, except the right to the benefits to which he or his survivors shall be entitled under the provisions of this subsection.

“(3) Each judge who has elected to bring himself within the purview of this subsection shall deposit, with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, to the credit of the fund, a sum equal to 3 per centum of his salary received for service as a judge of any of the courts referred to in paragraph (1) of subsection (a), including salary received after retirement, and of his basic salary, pay, or compensation for services as a Senator, Representative, Delegate, or Resident Commissioner in Congress and for any other civilian serv-

70 Stat. 745.

ice within the purview of section 3 of the Civil Service Retirement Act (5 U.S.C. 2253). Such interest shall not be required for any period during which the judge was separated from all such service and was not receiving retirement salary under this section. Each judge may elect to make such deposits in installments during the continuance of his judicial service in such amounts as may be determined in each instance by the Commissioners. Notwithstanding the failure of a judge to make such deposit, credit shall be allowed for the service rendered, but the annuity of the widow of such judge shall be reduced by an amount equal to 10 per centum of the amount of such deposit, computed as of the date of the death of such judge, unless such widow shall elect to eliminate such service entirely from credit under paragraph (13) of this subsection: *Provided*, That no deposit shall be required from a judge for any service rendered prior to August 1, 1920, or for any honorable service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States.

"(4) If any judge who has elected to bring himself within the purview of this subsection resigns from office otherwise than under the provisions of this section, the amount credited to his individual account under this subsection, together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum, thereafter, compounded on December 31 of each year, to the date of his relinquishment of office, shall be returned to him.

Annuity benefits.

"(5) In case any judge who has elected to bring himself within the purview of this subsection shall die while in regular active service or after having retired from such service under the provisions of this section, after having rendered at least five years of civilian service computed as prescribed in paragraph (13) of this subsection for the last five years of which the salary deductions provided for by paragraph (2) of this subsection or the deposits required by paragraph (3) of this subsection have actually been made—

"(A) If such judge is survived by a widow but not by a dependent child, there shall be paid to such widow an annuity beginning with the day of the death of the judge or following the widow's attainment of the age of fifty years, whichever is later, in an amount computed as provided in paragraph (12) of this subsection; or

"(B) if such judge is survived by a widow and a dependent child or children, there shall be paid to such widow an immediate annuity in an amount computed as provided in paragraph (12) of this subsection and there shall also be paid to or on behalf of each such child an immediate annuity equal to one-half the amount of the annuity of such widow, but not to exceed \$900 per year divided by the number of such children or \$360 per year, whichever is lesser; or

"(C) if such judge leaves no surviving widow or widower but leaves a surviving dependent child or children, there shall be paid to or on behalf of each such child an immediate annuity equal to the amount of the annuity to which such widow would have been entitled under paragraph (A) of this subsection had she survived, but not to exceed \$480 per year.

The annuity payable to a widow under this subsection shall be terminable upon her death or remarriage. The annuity payable to a child under this subsection shall be terminable upon (i) his attaining the age of eighteen years, (ii) his marriage, or (iii) his death, whichever first occurs, except that if such child is incapable of self-support by reason of mental or physical disability his annuity shall be terminable only upon death, marriage, or recovery from such disability after attaining the age of eighteen years. In case of the death of a widow of a judge leaving a dependent child or children of the judge surviving her the

annuity of such child or children shall be recomputed and paid as provided in subparagraph (C) of this paragraph. In any case in which the annuity of a dependent child, under this subsection, is terminated, the annuities of any remaining dependent child or children, based upon the service of the same judge, shall be recomputed and paid as though the child whose annuity was so terminated had not survived such judge.

“(6) As used in this subsection—

Definitions.

“(A) The term ‘widow’ means a surviving wife of an individual who either (i) shall have been married to such individual for at least two years immediately preceding his death or (ii) is the mother of issue by such marriage, and who has not remarried.

“(B) The term ‘dependent child’ means an unmarried child, including a dependent stepchild or an adopted child, who is under the age of eighteen years or who because of physical or mental disability is incapable of self-support.

Questions of dependency and disability arising under this subsection shall be determined by the Commissioners of the District of Columbia. The Commissioners may order or direct at any time such medical or other examinations as they shall deem necessary to determine the facts relative to the nature and degree of disability of any dependent child who is an annuitant or applicant for annuity under this subsection, and may suspend or deny any such annuity for failure to submit to any examination.

Determination of
dependency and
disability.

“(7) In any case in which (A) a judge who has elected to bring himself within the purview of this subsection shall die (i) while in regular active service after having rendered five years of civilian service computed as prescribed in paragraph (13) of this subsection, or while receiving retirement salary under this section, but without a survivor or survivors entitled or who, upon attaining the age of fifty, will become entitled, to annuity benefits provided by paragraph (5) of this subsection, or (ii) while in regular active service but before having rendered five years of such civilian service or (B) the right of all persons entitled to an annuity under paragraph (5) of this subsection based on the service of such judge shall terminate before a valid claim therefor shall have been established, the total amount credited to an individual account of such judge under this section, with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum, thereafter, compounded on December 31 of each year, to the date of the death of such judge, shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving at the date title to the payment arises, in the following order of precedence, and such payment shall be a bar to recovery by any other person:

“First, to the beneficiary or beneficiaries whom the judge may have designated by a writing received by the Commissioners of the District of Columbia prior to his death;

“Second, if there be no such beneficiary, to the widow of such judge;

“Third, if none of the above, to the child or children of such judge and the descendants of any deceased children by representation;

“Fourth, if none of the above, to the parents of such judge or the survivor of them;

“Fifth, if none of the above, to the duly appointed executor or administrator of the estate of such judge;

“Sixth, if none of the above, to such other next of kin of such judge as may be determined by the Commissioners to be entitled under the laws of the domicile of such judge at the time of his death.

Determination as to the widow or child of a judge for the purposes of

this subsection shall be made by the Commissioners without regard to the definition of these terms stated in paragraph (6) of this subsection.

"(8) In any case in which the annuities of all persons entitled to annuity based upon the service of a judge shall terminate before the aggregate amount of annuity paid (together with any amounts received by the judge as retirement salary) equals the total amount credited to the individual account of such judge under this section, with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, to the date of the death of such judge, the difference shall be paid, upon establishment of a valid claim therefor, in the order of precedence prescribed in paragraph (7) of this subsection.

"(9) Any accrued annuity remaining unpaid upon the termination (other than by reason of death) of the annuity of any person based upon the service of a judge shall be paid to such person. Any accrued annuity remaining unpaid upon the death of any person receiving an annuity based upon the service of a judge shall be paid, upon establishment of a valid claim therefor, in the following order of precedence:

"First, to the duly appointed executor or administrator of the estate of such person;

"Second, if there is no such executor or administrator, payment may be made, after the expiration of thirty days from the date of the death of such person, to such individual or individuals as may appear in the judgment of the Commissioners to be legally entitled thereto, and such payments shall be a bar to recovery by any other individual.

"(10) Where any payment under this subsection is to be made to a minor or to a person mentally incompetent or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian or other fiduciary by the law of the jurisdiction wherein the claimant resides or is otherwise legally vested with the care of the claimant or his estate. Where no guardian or other fiduciary of the person under legal disability has been appointed under the laws of the jurisdiction wherein the claimant resides, the Commissioners shall determine the person who is otherwise legally vested with the care of the claimant or his estate.

"(11) Annuities granted under the terms of this subsection shall accrue monthly and shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued.

"(12) The annuity of the widow of a judge who has elected to bring himself within the purview of this subsection shall be an amount equal to the sum of (A) $1\frac{1}{4}$ per centum of the average annual salary received by such judge for judicial service and any other prior allowable service during the last five years of such service prior to his death, or retirement from office under this section, multiplied by the sum of his years of judicial service, his years of prior allowable service as a Senator, Representative, Delegate, or Resident Commissioner in Congress, his years of prior allowable service performed as a member of the Armed Forces of the United States, and his years, not exceeding fifteen, of prior allowable service performed as an employee described in section 1(c) of the Civil Service Retirement Act and (B) three-fourths of 1 per centum of such average annual salary multiplied by his years of any other prior allowable service, but such annuity shall not exceed $37\frac{1}{2}$ per centum of such average annual salary and shall be further reduced in accordance with paragraph (3) of this subsection, if applicable.

"(13) Subject to the provisions of paragraph (3) of this subsection, the years of service of a judge which are allowable as the basis for calculating the amount of the annuity of his widow shall include his years

of service as a judge of one of the courts referred to in paragraph (1) of subsection (a) of this section (whether in regular active service or retired from such service under this section), his years of service as a Senator, Representative, Delegate, or Resident Commissioner in Congress, his years of active service as a member of the Armed Forces of the United States not exceeding five years in the aggregate and not including any such service for which credit is allowed for the purposes of retirement or retired pay under any other provision of law, and his years of any other civilian service within the purview of section 3 of the Civil Service Retirement Act.

“(14) Nothing contained in this subsection shall be construed to prevent a widow eligible therefor from simultaneously receiving an annuity under this subsection and any annuity to which she would otherwise be entitled under any other law without regard to this subsection, but in computing such other annuity, service used in the computation of her annuity under this subsection shall not be credited.

“(c) Nothing contained in this section shall be construed to prevent a judge eligible therefor from simultaneously receiving his retirement salary under this section and any annuity to which he would otherwise be entitled under any other law without regard to this section, but in computing such annuity, service used in the computation of retirement salary under this section shall not be credited: *Provided, however,* That nothing contained in this section shall be construed to prevent a judge of any court referred to in paragraph (1) of subsection (a) who is serving on the effective date of the District of Columbia Judges Retirement Act of 1964, and who does not elect under paragraph (7) of subsection (a) to come within the purview of such subsection, from electing to waive the provisions of this section regarding retirement salary and crediting service hereunder in computing any annuity to which he would otherwise be entitled under any other law without regard to this section; nor shall anything contained in this section (except paragraph (7) of subsection (a) of this section) or in any other law be construed to require any such judge eligible therefor to elect to waive either the provisions of this section regarding retirement salary and annuities or the provisions of any other law relating to retirement salary or annuities prior to the date of his retirement.

“(d) (1) There is hereby established in the Treasury of the United States a fund to be known as the ‘District of Columbia Judicial Retirement and Survivors Annuity Fund’, and such fund is hereby appropriated for the payment of retirement salaries, annuities, refunds, and allowances as provided in this section. If, at any time, the balance in such fund is not sufficient to pay current obligations arising pursuant to the provisions of this section, there is authorized to be appropriated to such fund, out of any moneys in the Treasury of the United States to the credit of the District of Columbia not otherwise appropriated, such amounts as may be necessary to pay such current obligations. The Secretary of the Treasury shall prepare the estimates of the annual appropriations required to be made to such fund, and shall make actuarial valuations of such fund at intervals of five years, or more after if deemed necessary by the Secretary.

“(2) The Secretary of the Treasury shall invest, from time to time, in interest-bearing securities of the United States or Federal farm loan bonds, any portions of such fund as in his judgment may not be immediately required for payments from the fund, and the income derived from such investments shall constitute a part of the fund.

“(3) All amounts deposited by, or deducted and withheld from the salary of, any judge as provided under this section for credit to the fund shall, under such regulations as may be prescribed by the Commissioners of the District of Columbia, be credited to an individual account of such judge.

70 Stat. 745.
5 USC 2253.

District of Columbia Judicial Retirement and Survivors Annuity Fund, establishment.

Investment of monies.

"(4) None of the moneys mentioned in this section shall be assignable, either in law or in equity, or be subject to execution, levy, attachment, garnishment, or other legal process.

"(5) Whenever used in this section, the term 'fund' shall mean the District of Columbia Judicial Retirement and Survivors Annuity Fund established under paragraph (1) of this subsection."

Short title.

SEC. 2. This Act may be cited as the "District of Columbia Judges Retirement Act of 1964."

Effective date.

SEC. 3. This Act shall be effective on and after the first day of the first month following the date of its enactment.

Approved October 13, 1964.

Public Law 88-645

October 13, 1964
[H. R. 6218]

AN ACT

To amend the Act of June 29, 1960, to authorize additional extensions of time for final proof by certain entrymen under the desert land laws and to make such additional extensions available to the successors in interest of such entrymen.

Desert land
laws; time extension
for final
proof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled "An Act to authorize an extension of time for final proof under the desert land laws under certain conditions", approved June 29, 1960 (74 Stat. 257), is amended by striking out "one extension of not more than three years within which to make final proof" and inserting in lieu thereof "extensions aggregating not more than six years within which to make final proof".

(b) Section 2 of such Act of June 29, 1960 (74 Stat. 257), is amended—

(1) by striking out "The" at the beginning of the first sentence and inserting in lieu thereof "Except as otherwise provided in this section, the";

(2) by striking out "within one extension period of not more than three years and can be completed either during such extension period" and inserting in lieu thereof "within extension periods aggregating not more than six years and can be completed during such periods of extension"; and

(3) by inserting immediately after the first sentence thereof the following new sentence: "The benefits of this Act shall be available also to successors in interest of the entrymen described in the first sentence of this section."

Approved October 13, 1964.

Public Law 88-646

October 13, 1964
[S. 2649]

AN ACT

To designate as the Graham Burke Pumping Plant the pumping plant being constructed in the State of Arkansas as part of the White River backwater unit of the Lower Mississippi River flood control project.

Graham Burke
Pumping Plant.
Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pumping plant being constructed in the State of Arkansas as part of the White River backwater unit of the Lower Mississippi River flood control project shall hereafter be known as the Graham Burke Pumping Plant, and any law, regulation, document, or record of the United States in which such pumping plant is designated or referred to shall be held to refer to such pumping plant under and by the name of the Graham Burke Pumping Plant.

Approved October 13, 1964.

Public Law 88-647

AN ACT

To amend title 10, United States Code, to vitalize the Reserve Officers' Training Corps programs of the Army, Navy, and Air Force, and for other purposes.

October 13, 1964
[H. R. 9124]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Reserve Officers' Training Corps Vitalization Act of 1964".

Reserve Officers'
Training Corps
Vitalization Act of
1964.

TITLE I—JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM

SEC. 101. Title 10, United States Code, is amended as follows:

(1) Subtitle A is amended by adding the following new chapter after chapter 101:

70A Stat. 119.
10 USC 2001.

"CHAPTER 102.—JUNIOR RESERVE OFFICERS' TRAINING CORPS

"Sec.

"2031. Junior Reserve Officers' Training Corps.

"§ 2031. Junior Reserve Officers' Training Corps

"(a) The Secretary of each military department shall establish and maintain a Junior Reserve Officers' Training Corps, organized into units, at public and private secondary educational institutions which apply for a unit and meet the standards and criteria prescribed pursuant to this section. Not more than 200 units may be established by all of the military departments each year beginning with the calendar year 1966, and the total number of units which may be established and maintained by all of the military departments under authority of this section, including those units already established on the date of enactment of this section, may not exceed 1,200. The President shall promulgate regulations prescribing the standards and criteria to be followed by the military departments in selecting the institutions at which units are to be established and maintained and shall provide for the fair and equitable distribution of such units throughout the Nation.

"(b) No unit may be established or maintained at an institution unless—

"(1) the unit contains at least 100 physically fit male students who are at least 14 years of age and are citizens of the United States;

"(2) the institution has adequate facilities for classroom instruction, storage of arms and other equipment which may be furnished in support of the unit, and adequate drill areas at or in the immediate vicinity of the institution, as determined by the Secretary of the military department concerned;

"(3) the institution provides a course of military instruction of not less than three academic years' duration, as prescribed by the Secretary of the military department concerned; and

"(4) the institution agrees to limit membership in the unit to students who maintain acceptable standards of academic achievement and conduct, as prescribed by the Secretary of the military department concerned.

"(c) The Secretary of the military department concerned shall, to support the Junior Reserve Officers' Training Corps program—

"(1) detail noncommissioned and commissioned officers of an armed force under his jurisdiction to institutions having units of the Corps as administrators and instructors;

“(2) provide necessary text materials, equipment, and uniforms; and

“(3) establish minimum acceptable standards for performance and achievement for qualified units.

“(d) Instead of, or in addition to, detailing noncommissioned and commissioned officers on active duty under subsection (c) (1), the Secretary of the military department concerned may authorize qualified institutions to employ, as administrators and instructors in the program, retired noncommissioned and commissioned officers, and members of the Fleet Reserve and Fleet Marine Corps Reserve, whose qualifications are approved by the Secretary and the institution concerned and who request such employment, subject to the following:

“(1) retired members so employed are entitled to receive their retired or retainer pay and an additional amount of not more than the difference between their retired pay and the active duty pay and allowances which they would receive if ordered to active duty, and one-half of that additional amount shall be paid to the institution concerned by the Secretary of the military department concerned from funds appropriated for that purpose.

“(2) notwithstanding any other provision of law, such a retired member is not, while so employed, considered to be on active duty or inactive duty training for any purpose.”

(2) The chapter analysis of subtitle A, and the chapter analysis of part III of subtitle A, are each amended by inserting the following new item:

“102. Junior Reserve Officers’ Training Corps----- 2031.”

SEC. 102. Regulations implementing section 2031(a) of title 10, United States Code, shall be issued by the President and by the Secretary of each military department not later than January 1, 1966.

TITLE II—SENIOR RESERVE OFFICERS’ TRAINING CORPS PROGRAM

SEC. 201. Title 10, United States Code, is amended as follows:

(1) Subtitle A is amended by adding the following new chapter after chapter 102:

“CHAPTER 103.—SENIOR RESERVE OFFICERS’ TRAINING CORPS

“Sec.

“2101. Definitions.

“2102. Establishment.

“2103. Eligibility for membership.

“2104. Advanced training; eligibility for.

“2105. Advanced training; failure to complete or to accept commission.

“2106. Advanced training; commission on completion.

“2107. Financial assistance program for specially selected members.

“2108. Advanced standing; interruption of training; delay in starting obligated service; release from program.

“2109. Field training; practice cruises.

“2110. Logistical support.

“2111. Personnel: administrators and instructors.

“§ 2101. Definitions

“In this chapter—

“(1) ‘program’ means the Senior Reserve Officers’ Training Corps of an armed force;

“(2) ‘member of the program’ means a student who is enrolled in the Senior Reserve Officers’ Training Corps of an armed force; and

“(3) ‘advanced training’ means the training and instruction offered in the Senior Reserve Officers’ Training Corps to students

in the third and fourth years of a four-year Senior Reserve Officers' Training Corps course, or the equivalent period of training in an approved two-year Senior Reserve Officers' Training Corps course.

"§ 2102. Establishment

"(a) For the purpose of preparing selected students for commissioned service in the Army, Navy, Air Force, or Marine Corps, the Secretary of each military department, under regulations prescribed by the President, may establish and maintain a Senior Reserve Officers' Training Corps program, organized into one or more units, at any accredited civilian educational institution authorized to grant baccalaureate degrees, and at any school essentially military that does not confer baccalaureate degrees, upon the request of the authorities at that institution.

"(b) No unit may be established or maintained at an institution unless—

"(1) the senior commissioned officer of the armed force concerned who is assigned to the program at that institution is given the academic rank of professor;

"(2) the institution fulfills the terms of its agreement with the Secretary of the military department concerned; and

"(3) the institution adopts, as a part of its curriculum, a four-year course of military instruction or a two-year course of advanced training of military instruction, or both, which the Secretary of the military department concerned prescribes and conducts.

"(c) At those institutions where a unit of the program is established membership of students in the program shall be elective or compulsory as provided by State law or the authorities of the institution concerned.

"§ 2103. Eligibility for membership

"(a) To be eligible for membership in the program a person must be a student at an institution where a unit of the Senior Reserve Officers' Training Corps is established. However, a student at an institution that does not have a unit of the Corps is eligible, if otherwise qualified, to be a member of a unit at another institution.

"(b) Persons from foreign countries may be enrolled as members of the program when their enrollment is approved by the Secretary of the military department concerned under criteria approved by the Secretary of State.

"(c) A medical, dental, pharmacy, veterinary, or sciences allied to medicine, student may be admitted to a unit of the program for a course of training consisting of 90 hours of instruction a year for four academic years.

"(d) Under such conditions as the Secretary of the military department concerned may prescribe, a medical, dental, pharmacy, veterinary, or sciences allied to medicine, student who is a commissioned officer of a reserve component of an armed force may be admitted to and trained in a unit of the program.

"§ 2104. Advanced training; eligibility for

"(a) Advanced training shall be provided to eligible members of the program and, if the institution concerned so requests, to eligible applicants for membership in the program, who have two academic years remaining at such educational institution.

"(b) To be eligible for continuation, or initial enrollment, in the program for advanced training, a person must—

"(1) be a citizen of the United States;

"(2) be selected for advanced training under procedures prescribed by the Secretary of the military department concerned;

“(3) enlist in a reserve component of an armed force under the jurisdiction of the Secretary of the military department concerned for the period prescribed by the Secretary;

“(4) contract, with the consent of his parent or guardian if he is a minor, with the Secretary of the military department concerned, or his designated representative, to serve for the period required by the program;

“(5) agree in writing that he will accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be, and that he will serve in the armed forces for the period prescribed by the Secretary; and

“(6) complete successfully—

“(A) the first two years of a four-year Senior Reserve Officers’ Training Corps course; or

“(B) field training or a practice cruise of not less than six weeks’ duration which is prescribed by the Secretary concerned as a preliminary requirement for admission to the advanced course.

“(c) A member of the program who is ineligible under subsection (b) for advanced training shall be released from the program.

“(d) This section does not apply to cadets and midshipmen appointed under section 2107, or foreign students enrolled under section 2103(b), of this title.

Nonapplicability.

“§ 2105. Advanced training; failure to complete or to accept commission

“A member of the program who is selected for advanced training under section 2104 of this title, and who does not complete the course of instruction, or who completes the course but declines to accept a commission when offered, may be ordered to active duty by the Secretary of the military department concerned to serve in his enlisted grade or rating for such period of time as the Secretary prescribes but not for more than two years.

“§ 2106. Advanced training; commission on completion

“(a) Upon satisfactorily completing the academic and military requirements of the program of advanced training, a member of the program who was selected for advanced training under section 2104 of this title may be appointed as a regular or reserve officer in the appropriate armed force in the grade of second lieutenant or ensign, even though he is under 21 years of age.

“(b) The date of rank of officers appointed under this section in May or June of any year is the date of graduation of cadets or midshipmen from the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy, as the case may be, in that year. The Secretary of the military department concerned shall establish the date of rank of all other officers appointed under this section.

“(c) In computing length of service for any purpose, an officer appointed under this section may not be credited with enlisted service for the period covered by his advanced training.

“§ 2107. Financial assistance program for specially selected members

“(a) The Secretary of the military department concerned may appoint as a cadet or midshipman, as appropriate, in the reserve of an armed force under his jurisdiction any eligible member of the program who will be under 25 years of age on June 30 of the calendar year in which he is eligible under this section for appointment as an ensign in the Navy or as a second lieutenant in the Army, Air Force, or Marine Corps, as the case may be. However, a member whose enrollment in

the Senior Reserve Officers' Training Corps program contemplates less than four years of participation in the program may not be appointed a cadet or midshipman under this section, or receive any financial assistance authorized by this section.

"(b) To be eligible for appointment as a cadet or midshipman under this section a member must—

Eligibility for
appointment.

"(1) be a citizen of the United States;

"(2) be specially selected for the financial assistance program under procedures prescribed by the Secretary of the military department concerned;

"(3) enlist in the reserve component of the armed force in which he is appointed as a cadet or midshipman for the period prescribed by the Secretary of the military department concerned;

"(4) contract, with the consent of his parent or guardian if he is a minor, with the Secretary of the military department concerned, or his designated representative, to serve for the period required by the program;

"(5) agree in writing that he will accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be, and that, if he is commissioned as a regular officer and his regular commission is terminated before the sixth anniversary of his date of rank, he will accept an appointment, if offered, in the reserve component of that armed force and not resign before that anniversary; and

"(6) agree in writing to serve on active duty for four or more years.

"(c) The Secretary of the military department concerned may provide for the payment of all expenses in his department of administering the financial assistance program under this section, including tuition, fees, books, and laboratory expenses.

"(d) Upon satisfactorily completing the academic and military requirements of the four-year program, a cadet or midshipman may be appointed as a regular or reserve officer in the appropriate armed force in the grade of second lieutenant or ensign, even though he is under 21 years of age.

"(e) The date of rank of officers appointed under this section in May or June of any year is the date of graduation of cadets or midshipmen from the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy, as the case may be in that year. The Secretary of the military department concerned shall establish the date of rank of all other officers appointed under this section.

"(f) A cadet or midshipman who does not complete the four-year course of instruction, or who completes the course but declines to accept a commission when offered, may be ordered to active duty by the Secretary of the military department concerned to serve in his enlisted grade or rating for such period of time as the Secretary prescribes but not for more than four years.

"(g) In computing length of service for any purpose, an officer appointed under this section may not be credited with service either as a cadet or midshipman or concurrent enlisted service.

"(h) Not more than the following numbers of cadets and midshipmen appointed under section 2107 of this title may be in the financial assistance programs at any one time:

"Army program: 5,500.

"Navy program: 5,500.

"Air Force program: 5,500.

“§ 2108. Advanced standing; interruption of training; delay in starting obligated service; release from program

“(a) The Secretary of the military department concerned may give to any enlisted member of an armed force under his jurisdiction, or any person who has served on active duty in any armed force, such advanced standing in the program as may be justified by his education and training.

“(b) In determining a member's eligibility for advanced training, the Secretary of the military department concerned may credit him with any military training that is substantially equivalent in kind to that prescribed for admission to advanced training and was received while he was taking a course of instruction in a program under the jurisdiction of another armed force or while he was on active duty in the armed forces.

“(c) The Secretary of the military department concerned may excuse from a portion of the prescribed course of military instruction, including field training and practice cruises, any person found qualified on the basis of his previous education, military experience, or both.

“(d) A person may become, remain, or be readmitted as, a member of the advanced training program after receiving a baccalaureate degree or completing pre-professional studies if he has not completed the course of military instruction or all field training or practice cruises prescribed by the Secretary of the military department concerned. If a member of the program has been accepted for resident graduate or professional study, the Secretary of the military department concerned may delay the commencement of that member's obligated period of active duty until the member has completed that study.

“(e) The Secretary of the military department concerned may, when he determines that the interest of the service so requires, release any person from the program and discharge him from his armed force.

“§ 2109. Field training; practice cruises

“(a) For the further practical instruction of members of the program, the Secretary of the military department concerned may prescribe and conduct field training and practice cruises (other than field training and practice cruises prescribed under section 2104(b) (6) (B) of this title) which members must complete before they are commissioned.

“(b) The Secretary of the military department concerned may—

“(1) transport members of the program to and from the places designated for field training or practice cruises and furnish them subsistence while traveling to and from those places, or, instead of furnishing them transportation and subsistence, pay them a travel allowance at the rate prescribed for cadets and midshipmen at the United States Military, Naval, and Air Force Academies for travel by the shortest usually traveled route from the places from which they are authorized to proceed to the place designated for the training or cruise and return, and pay the allowance for the return trip in advance;

“(2) furnish medical attendance and supplies to members of the program while attending field training and practice cruises, and admit them to military hospitals;

“(3) furnish subsistence, uniform clothing, and equipment to members of the program while attending field training or practice cruises or, instead of furnishing uniform clothing, pay them allowances at such rates as he may prescribe;

"(4) use any member of an armed force, or any employee of the department, under his jurisdiction, and such property of the United States as he considers necessary, for the training and administration of members of the program at the places designated for training or practice cruises.

"§ 2110. Logistical support

"(a) The Secretary of the military department concerned may issue to institutions having units of the program, or to the officers of the armed force concerned who are designated as accountable or responsible for such property—

"(1) supplies, means of transportation including aircraft, arms and ammunition, and military textbooks and education materials; and

"(2) uniform clothing, except that he may pay monetary allowances for uniform clothing at such rate as he may prescribe.

"(b) The Secretary of the military department concerned may provide, or contract with civilian flying or aviation schools or educational institutions to provide, the personnel, aircraft, supplies, facilities, services, and instruction necessary for flight instruction and orientation for properly designated members of the program. The Secretary of each military department shall report to Congress in January of each year on the progress of the flight instruction program.

Report to
Congress.

"(c) The Secretary of the military department concerned may transport members of, and designated applicants for membership in, the program to and from installations when it is necessary for them to undergo medical or other examinations or for the purposes of making visits of observation. He may also furnish them subsistence, quarters, and necessary medical care, including hospitalization, while they are at, or traveling to or from, such an installation.

"(d) The Secretary of the military department concerned may authorize members of, and designated applicants for membership in, the program to participate in aerial flights in military aircraft and in indoctrination cruises in naval vessels.

"(e) The Secretary of the military department concerned may authorize such expenditures as he considers necessary for the efficient maintenance of the program.

"(f) The Secretary of the military department concerned shall require, from each institution to which property is issued under subsection (a), a bond or other indemnity in such amount as he considers adequate, but not less than \$5,000, for the care and safekeeping of all property so issued except uniforms, expendable articles, and supplies expended in operation, maintenance, and instruction. The Secretary may accept a bond without surety if the institution to which the property is issued furnishes to him satisfactory evidence of its financial responsibility.

"§ 2111. Personnel: administrators and instructors

"The Secretary of the military department concerned may detail regular or reserve members of an armed force under his jurisdiction (including retired members and members of the Fleet Reserve and Fleet Marine Corps Reserve recalled to active duty with their consent) for instructional and administrative duties at educational institutions where units of the program are maintained."

(2) The chapter analysis of subtitle A, and the chapter analysis of part III of subtitle A, are each amended by inserting the following new item:

"103. Senior Reserve Officers' Training Corps----- 2101."

SEC. 202. Title 37, United States Code, is amended as follows:

76 Stat. 458.

(1) Section 205 is amended by adding the following new subsection at the end thereof:

“(e) Notwithstanding subsection (a), a commissioned officer may not count in computing his basic pay any period of service after the enactment of this subsection that he performed concurrently as a member of a uniformed service and as a member of the Senior Reserve Officers’ Training Corps.”

(2) Section 209 is amended to read as follows:

“§ 209. Members of Senior Reserve Officers’ Training Corps

Ante, p. 1065.

“(a) Except when on active duty, a member of the Senior Reserve Officers’ Training Corps who is selected for advanced training under section 2104 of title 10, United States Code, is entitled to retainer pay at the rate of not less than \$40 per month or more than \$50 per month beginning on the day he starts advanced training and ending upon the completion of his instruction under that section, but in no event shall any member receive such pay for more than twenty months. Retainer pay under this section may not be considered financial assistance requiring additional service within the meaning of the third sentence of section 6(d)(1) of the Universal Military Training and Service Act, as amended (50 U.S.C. App. 456(d)(1)).

65 Stat. 83.

Ante, p. 1066.

“(b) Except when on active duty, a cadet or midshipman appointed under section 2107 of title 10 is entitled to retainer pay at the rate of \$50 a month beginning on the day that he starts his first term of college work under that section and ending upon the completion of his instruction under that section, but not for more than four years.

76 Stat. 453.
37 USC 201.

Ante, p. 396.

“(c) A member of the Senior Reserve Officers’ Training Corps is entitled, while he is attending field training or practice cruises under section 2109 of title 10, to pay at the rate prescribed for cadets and midshipmen at the United States Military, Naval, and Air Force Academies under section 201(c) of this title. An applicant for membership who is attending field training or practice cruises to satisfy the requirement of section 2104(b)(6)(B) of title 10, United States Code, for admission to advanced training is entitled, while so attending, to pay at the rate prescribed in section 203 of this title for enlisted members of the uniformed services in pay grade E-1 (under 4 months).”

76 Stat. 477.

(3) Sections 415(a) and 416(b) are each amended by striking out the words “or an officer of the Army, or the Air Force, without specification of component,” and inserting in place thereof “, an officer of the Army or the Air Force without specification of component, or a regular officer of an armed force appointed under section 2106 or 2107 of title 10, United States Code.”

(4) Section 422 is amended—

(A) by amending the catchline to read:

“§ 422. Cadets and midshipmen”;

(B) by amending subsection (c) to read as follows:

“(c) A cadet or midshipman appointed under section 2107 of title 10, United States Code, is entitled to the same allowances as are provided for cadets and midshipmen at the United States Military, Naval, and Air Force Academies for—

“(1) initial travel to the educational institution in which matriculated;

“(2) travel while under orders; and

“(3) travel on discharge.

However, no allowance for travel on discharge may be paid to a discharged cadet or midshipman who continues his scholastic instruction at the same educational institution.”

(C) by striking out subsection (d).

76 Stat. 479.

(5) The analysis of chapter 3 is amended by striking out the following item:

“209. Members of naval officer candidate programs.”

and inserting the following item in place thereof:

“209. Members of Senior Reserve Officers’ Training Corps.”

(6) The analysis of chapter 7 is amended by striking out the following item:

“422. Cadets, midshipmen, and naval officer candidates.”

and inserting the following item in place thereof:

“422. Cadets and midshipmen.”

TITLE III—CONFORMING AMENDMENTS AND REPEALS

SEC. 301. Title 10, United States Code, is amended as follows:

(1) Section 1475(a)(4) is amended by adding at the end thereof the words “any applicant for membership in a reserve officers’ training corps who dies while attending field training or a practice cruise under section 2104(b)(6)(B) of this title or while performing authorized travel to or from the place where the training or cruise is conducted; or”.

Provisions relating to death benefits.

72 Stat. 1452.

Ante, p. 1065.

(2) Section 1478(a)(4) is amended—

(A) by striking out “section 4385(c) or 9385(c) of this title” and inserting in place thereof “the first sentence of section 209(c) of title 37, United States Code”; and

70 A Stat. 247, 569.

(B) by adding the following sentence at the end thereof: “A person covered by section 1475(a)(4) of this title who dies while attending field training or a practice cruise under section 2104(b)(6)(B) of this title, or while traveling directly to or from the place where the training or cruise is conducted, is considered to have been entitled, on the date of his death, to the pay prescribed by the second sentence of section 209(c) of title 37, United States Code.”

Ante, p. 1070.

70 A Stat. 112.

(3) Section 1481(a)(4) is amended by striking out the words “the Army Reserve Officers’ Training Corps, Naval Reserve Officers’ Training Corps, or Air Force Reserve Officers’ Training Corps” and inserting the words “, or applicant for membership in, a reserve officers’ training corps” in place thereof.

(4) Section 3201 is amended—

(A) by inserting the words “in a reserve officers’ training corps or” after the word “members” in clause (5) of subsection (a); and

72 Stat. 1462.

(B) by inserting the words “in a reserve officers’ training corps or” after the word “members” in clause (4) of subsection (b).

(5) Section 3355 is repealed.

Repeal.
70 A Stat. 194.

(6) The analysis of chapter 337 is amended by striking out the following item:

“3355. Commissioned officers; Army Reserve: appointment; R.O.T.C. graduates.”

(7) Section 3540 is repealed.

Repeal.

(8) The analysis of chapter 343 is amended by striking out the following item:

“3540. Educational institutions: detail of members of regular or reserve components as professors and instructors in military science and tactics.”

70A Stat. 243.

(9) Section 4348 is amended by inserting the designation "(a)" before the word "Each" and by adding a new subsection (b) to read as follows:

"(b) A cadet who does not fulfill his agreement under subsection (a) may be transferred by the Secretary of the Army to the Army Reserve in an appropriate enlisted grade and, notwithstanding section 651 of this title, may be ordered to active duty to serve in that grade for such period of time as the Secretary prescribes but not for more than four years."

70A Stat. 27;
72 Stat. 1440.Repeal.
10 USC 4381-
4387.

(10) Chapter 405 is repealed.

(11) The chapter analysis of subtitle B, and the chapter analysis of part III of subtitle B, are each amended by striking out the following item:

"405. Reserve Officers' Training Corps----- 4381."

70A Stat. 297.

(12) Section 5404(b) is amended—

(A) by inserting "and" at the end of clause (3);

(B) by striking out "; and" at the end of clause (4) and inserting a period in place thereof; and

(C) by striking out clause (5).

(13) Section 5504(h) is amended by striking out "5573, 6904, 6906" and inserting "2106, 2107, 5573" in place thereof.

(14) Chapter 541 is amended—

(A) by striking out the following item in the analysis:

72 Stat. 1495.

"5652b. Regular Navy: lieutenants (junior grade) originally appointed as ensigns under section 5573, 6904, 6906, or 6909 of this title."

and inserting the following item in place thereof:

"5652b. Regular Navy: lieutenants (junior grade) originally appointed as ensigns under section 2106, 2107, 5573, or 6909 of this title."; and

(B) by striking out from the catchline and the text of section 5652b "5573, 6904, 6906" and inserting "2106, 2107, 5573" in place thereof.

70A Stat. 376.

(15) Section 6023(a) is amended by striking out clause (2) and renumbering clause (3) as clause "(2)".

(16) Section 6387(a) is amended by striking out "6904, 6906," and inserting "2106, 2107," in place thereof.

Repeals.

(17) Chapter 601 is amended by repealing sections 6901, 6902, 6903, 6904, 6905, 6906, 6908, and 6910.

(18) The analysis of chapter 601 is amended by striking out the following items:

"6901. Naval Reserve Officers' Training Corps: administration.

"6902. Transfer of graduates of Naval Reserve Officers' Training Corps to Regular Navy.

"6903. Officer candidate training program: administration; qualifications for enrollment.

"6904. Officer candidate training program: members enrolled from Naval Reserve Officers' Training Corps; appointment as midshipmen; pay; allowances; commissioning.

"6905. Officer candidate training program: members enrolled as naval aviation officer candidates; instruction; pay; allowances.

"6906. Officer candidate training program: naval aviation candidates; appointment as midshipmen; flight training; appointment as ensigns.

"6908. Officer candidate training program: naval aviators; retention or transfer to reserve.

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"6910. Payment of expenses."

70A Stat. 432.

(19) Section 6959 is amended by inserting the designation "(a)" before the word "Each" and by adding a new subsection (b) to read as follows:

"(b) A midshipman who does not fulfill his agreement under subsection (a) may be transferred by the Secretary of the Navy to the

Naval Reserve or the Marine Corps Reserve in an appropriate enlisted grade or rating, and, notwithstanding section 651 of this title, may be ordered to active duty to serve in that grade or rating for such period of time as the Secretary prescribes but not for more than four years."

70A Stat. 27.
72 Stat. 1440.

(20) Section 8201 is amended—

(A) by inserting the words "in a reserve officers' training corps or" after the word "members" in clause (6) of subsection (a); and

72 Stat. 1514.

(B) by inserting the words "in a reserve officers' training corps or" after the word "members" in clause (4) of subsection (b).

(21) Section 8355 is repealed.

Repeal.
70A Stat. 520.

(22) The analysis of chapter 837 is amended by striking out the following item:

"8355. Commissioned officers; Air Force Reserve: appointment; A.F.R.O.T.C. graduates."

(23) Section 8540 is repealed.

Repeal.

(24) The analysis of chapter 843 is amended by striking out the following item:

"8540. Educational institutions: detail of members of regular or reserve components as professors and instructors in air science and tactics."

(25) Section 9348 is amended by inserting the designation "(a)" before the word "Each" and by adding a new subsection (b) to read as follows:

70A Stat. 565.

"(b) A cadet who does not fulfill his agreement under subsection (a) may be transferred by the Secretary of the Air Force to the Air Force Reserve in an appropriate enlisted grade and, notwithstanding section 651 of this title, may be ordered to active duty to serve in that grade for such period of time as the Secretary prescribes but not for more than four years."

(26) Chapter 905 is repealed.

Repeal.
10 USC 9381-9387.

(27) The chapter analysis of subtitle D, and the chapter analysis of part III of subtitle D, are each amended by striking out the following item:

"905. Air Force Reserve Officers' Training Corps..... 9381."

SEC. 302. Section 4 of the Act of August 1, 1956, chapter 830 (5 U.S.C. 802), is amended as follows:

70 Stat. 805.

(1) Subsection (a) is amended to read as follows:

"(a) The Federal Employees' Compensation Act (ch. 458, 39 Stat. 742), as amended (5 U.S.C. 751-793), applies in the case of the disability or death of the following members of, and applicants for membership in, the Reserve Officers' Training Corps of the Army, Navy, and Air Force:

63 Stat. 854.

"(1) Any member or applicant for membership who suffers disability or death from an injury incurred in line of duty while engaged in a flight or in flight instruction under chapter 103 of title 10, United States Code; or

"(2) Any member or applicant for membership who suffers disability or death from an injury incurred in line of duty while performing authorized travel to or from, or while attending, field training or a practice cruise under chapter 103 of title 10, United States Code.

Ante, p. 1064.

For the purposes of this section, an injury shall be considered to have been incurred in line of duty only if it is the proximate result of the performance of military training by the member concerned, or of his travel to or from that military training, during the periods of time indicated in clause (2). Any member or applicant for membership who contracts a disease or illness which is the proximate result of the

performance of training during the periods of time indicated in clause (2) shall be considered for the purposes of this section to have been injured in line of duty during that period."

70 Stat. 806.

(2) The last sentence of subsection (d) is amended to read as follows: "However, reimbursement may not be made for any hospitalization or medical or surgical care provided a person while attending field training or a practice cruise under chapter 103 of title 10, United States Code."

Ante, p. 1064.

TITLE IV—MISCELLANEOUS PROVISIONS

Validation of
student payments.
70A Stat. 569.

SEC. 401. All payments made and supplies issued under sections 9385-9387 of title 10, United States Code, in connection with the training of a person at an Air Force Reserve Officers' Training Corps unit while such person was a student at a civil educational institution where a unit of the corps was not established, are hereby validated.

Separability.

SEC. 402. If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Effective dates.

Ante, p. 1067.

SEC. 403. Insofar as it relates to the Army program and the Air Force program, section 2107(h) of title 10, United States Code, becomes effective on September 1, 1968. Until that date, not more than four thousand cadets may be in either of those programs at any one time. So far as it relates to the Navy program, section 2107(h) of title 10 becomes effective on September 1, 1965.

Approved October 13, 1964.

Public Law 88-648

AN ACT

October 13, 1964
[S. 2654]

To change the name of the canal, known as the Bay Head-Manasquan Canal and as the Manasquan River-Barnegat Bay Canal, to Point Pleasant Canal.

Point Pleasant
Canal, N.J.
Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the canal, known as the Bay Head-Manasquan Canal and as the Manasquan River-Barnegat Bay Canal, which is located in the Borough of Point Pleasant, New Jersey, shall hereafter be known as Point Pleasant Canal and any law, regulation, document, or record of the United States in which such canal is designated or referred to under the name Bay Head-Manasquan Canal or Manasquan River-Barnegat Bay Canal shall be held to refer to such canal under and by the name of Point Pleasant Canal.

Approved October 13, 1964.

Public Law 88-649

JOINT RESOLUTION

October 13, 1964
[H. J. Res. 1192]

Fixing the time of assembly of the Eighty-ninth Congress.

89th Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Eighty-ninth Congress shall assemble at noon on Monday, January 4, 1965.

Approved October 13, 1964.

Public Law 88-650

AN ACT

October 13, 1964
[H. R. 9393]

To amend title II of the Social Security Act to provide full retroactivity for disability determinations, to extend the period within which ministers may elect coverage, and to validate wages erroneously reported for certain engineering aides employed by soil and water conservation districts in Oklahoma, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 216(i)(2) of the Social Security Act is amended by striking out the third sentence and inserting in lieu thereof the following: "A period of disability shall (subject to section 223(a)(3)) begin—

Social Security
Act, amendment.
68 Stat. 1080.
42 USC 416.
Disability
period.

"(A) on the day the disability began, but only if the individual satisfies the requirements of paragraph (3) on such day; or

"(B) if such individual does not satisfy the requirements of paragraph (3) on such day, then on the first day of the first quarter thereafter in which he satisfies such requirements."

(b) Section 216(i)(3) of such Act is amended by striking out "of paragraphs (2) and (4)" and inserting in lieu thereof "of paragraph (2)".

(c) Section 216(i)(4) of such Act is repealed.

Repeal.

(d) (1) The amendments made by subsections (a), (b), and (c) shall apply in the case of applications for disability determinations under section 216(i) of the Social Security Act filed after the month following the month in which this Act is enacted.

(2) Except as provided in the succeeding paragraphs, such amendments shall also apply, and as though such amendments had been enacted on July 1, 1962, in the case of applications for disability determinations filed under section 216(i) of the Social Security Act during the period beginning July 1, 1962, and ending with the close of the month following the month in which this Act is enacted, by an individual who—

(A) has been under a disability (as defined in such section 216(i)) continuously since he filed such application and up to (i) the first day of the second month following the month in which this Act is enacted or (ii) if earlier, the first day of the month in which he attained the age of 65, and

(B) is living on the day specified in subparagraph (A) (i).

(3) In the case of an individual to whom paragraph (2) applies and who filed an application for disability insurance benefits under section 223 of the Social Security Act during the period specified in such paragraph—

70 Stat. 815.
42 USC 423.

(A) if such individual was under a disability (as defined in section 223(c) of such Act) throughout such period and was not entitled to disability insurance benefits under such section 223 for any month in such period (except for the amendments made by this section), such application and any application filed during such period for benefits under section 202 of the Social Security Act on the basis of the wages and self-employment income of such individual shall, notwithstanding section 202(j)(2) and the first sentence of section 223(b), be deemed an effective application, or

64 Stat. 482.
42 USC 402.

(B) if such individual was entitled (without the application of this section) to disability insurance benefits under section 223 for a continuous period of months immediately preceding—

(i) the second month following the month in which this Act was enacted, or

(ii) if earlier, the month in which he became entitled to benefits under section 202(a),

his primary insurance amount shall be recomputed, but only if such amount would be increased solely by reason of the enactment of this section.

(4) No monthly insurance benefits, and no increase in monthly insurance benefits, may be paid under title II of the Social Security Act by reason of the enactment of this section for any month before the eleventh month before the month in which this Act is enacted.

(5) In the case of an individual (A) who is entitled under section 202 of the Social Security Act (but without the application of subsection (j)(1) of such section) to a widow's, widower's, or parent's insurance benefit, or to an old-age, wife's, or husband's insurance benefit which is reduced under section 202(q) of such Act, for any month in the period referred to in paragraph (2) of this subsection, (B) who was under a disability (as defined in section 223(c) of the Social Security Act) which began prior to the sixth month before the first month for which the benefits referred to in clause (A) are payable and which continued through the month following the month in which this Act is enacted, and (C) who files an application for disability insurance benefits under section 223(a)(1) of the Social Security Act—

(i) subsection (a)(3) of section 223 of the Social Security Act shall not prevent him from being entitled to such disability insurance benefits;

(ii) the provisions of subsection (a)(1) of such section 223 terminating entitlement to disability insurance benefits by reason of entitlement to old-age insurance benefits shall not apply with respect to him unless and until he again becomes entitled to such old-age insurance benefits under the provisions of section 202 of such Act;

(iii) such individual shall, for any month for which he is thereby entitled to both old-age insurance benefits and disability insurance benefits, be entitled only to such disability insurance benefits; and

(iv) in case the benefits reduced under subsection (q) of section 202 of such Act are old-age insurance benefits (I) such old-age insurance benefits for the months in the period referred to in paragraph (2) of this subsection shall not be recomputed solely by reason of the enactment of this section, and, if otherwise recomputed, the provisions of and amendments made by this section shall not apply to such recomputation; and (II) the months for which he received such old-age insurance benefits before or during the period for which he becomes entitled, by reason of such enactment, to disability insurance benefits under such section 223 and the months for which he received such disability insurance benefits shall be excluded from the "reduction period" and the "adjusted reduction period", as defined in paragraphs (5) and (6), respectively, of such subsection (q) for purposes of determining the amount of the old-age insurance benefits to which he may subsequently become entitled.

(6) The entitlement of any individual to benefits under section 202 of the Social Security Act shall not be terminated solely by reason of the enactment of this section, except where such individual is entitled to benefits under section 202(a) or 223 of such Act in an amount which (but for this subsection) would have required termination of such benefits under such section 202.

SEC. 2. (a) Clause (B) of section 1402(e)(2) of the Internal Revenue Code of 1954 (relating to time for filing waiver certificate by ministers, members of religious orders, and Christian Science practitioners) is amended by striking out "his second taxable year ending

42 USC 401-425.

64 Stat. 482.
42 USC 402.

75 Stat. 131.

70 Stat. 815.
42 USC 423.

75 Stat. 134.

Ministers, coverage.

71 Stat. 521;
74 Stat. 926.
26 USC 1402.

after 1959" and inserting in lieu thereof "his second taxable year ending after 1962".

(b) Section 1402(e)(3) of such Code (relating to effective date of certificate) is amended by adding at the end thereof the following new subparagraph:

74 Stat. 926.
26 USC 1402.

"(C) Notwithstanding the first sentence of subparagraph (A), if an individual files a certificate after the date of the enactment of this subparagraph and on or before the due date of the return (including any extension thereof) for his second taxable year ending after 1962, such certificate shall be effective for his first taxable year ending after 1961 and all succeeding years."

(c) The amendments made by subsections (a) and (b) shall be applicable only with respect to certificates filed pursuant to section 1402(e) of the Internal Revenue Code of 1954 after the date of the enactment of this Act; except that no monthly benefits under title II of the Social Security Act for the month in which this Act is enacted or any prior month shall be payable or increased by reason of such amendments.

42 USC 401-425.

SEC. 3. For purposes of the agreement under section 218 of the Social Security Act entered into by the State of Oklahoma, remuneration paid to district engineering aides of soil and water conservation districts of the State of Oklahoma which was reported by the State as amounts paid to such aides as employees of the State for services performed by them during the period beginning January 1, 1951, and ending with the close of June 30, 1962, shall be deemed to have been paid to such aides for services performed by them in the employ of the State.

Oklahoma.
Conservation
district employ-
ees.
64 Stat. 514.
42 USC 418.

SEC. 4. (a) Section 209 of the Social Security Act (relating to definition of wages) is amended—

"Wages."
64 Stat. 492.
42 USC 409.

(1) by striking out "or" at the end of subsection (i);

(2) by striking out the period at the end of subsection (j) and inserting in lieu thereof "; or"; and

(3) by inserting immediately after subsection (j) the following new subsection:

"(k) Remuneration paid to or on behalf of an employee if (and to the extent that) at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217 of the Internal Revenue Code of 1954."

Ante, p. 51.

(b) Section 3121(a) of the Internal Revenue Code of 1954 (relating to definition of wages) is amended—

68A Stat. 417.
26 USC 3121.

(1) by striking out "or" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; or"; and

(3) by adding after paragraph (10) the following new paragraph:

"(11) remuneration paid to or on behalf of an employee if (and to the extent that) at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217."

(c) Section 3306(b) of such Code (relating to definition of wages) is amended—

Unemployment
taxes.
26 USC 3306.

(1) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; or"; and

(2) by adding after paragraph (8) the following new paragraph:

"(9) remuneration paid to or on behalf of an employee if (and to the extent that) at the time of the payment of such

Ante, p. 51.

remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217."

(d) The amendments made by this section shall apply with respect to remuneration paid on or after the first day of the first calendar month which begins more than ten days after the date of the enactment of this Act.

Aid to the blind.
74 Stat. 997;
76 Stat. 206.
42 USC 1202.

SEC. 5. (a) Clause (8) of section 1002(a) of the Social Security Act is amended to read as follows: "(8) provide that the State agency shall, in determining need, take into consideration any other income and resources of the individual claiming aid to the blind, as well as any expenses reasonably attributable to the earning of any such income, except that, in making such determination, the State agency (A) shall disregard the first \$85 per month of earned income, plus one-half of earned income in excess of \$85 per month, (B) shall, for a period not in excess of twelve months, and may, for a period not in excess of thirty-six months, disregard such additional amounts of other income and resources, in the case of an individual who has a plan for achieving self-support approved by the State agency, as may be necessary for the fulfillment of such plan;"

76 Stat. 198.
42 USC 1382.

(b) Clause (14) of section 1602(a) of such Act is amended to read as follows:

"(14) provide that the State agency shall, in determining need for aid to the aged, blind, or disabled, take into consideration any other income and resources of an individual claiming such aid, as well as any expenses reasonably attributable to the earning of any such income; except that, in making such determination with respect to any individual who is blind, the State agency (A) shall disregard the first \$85 per month of earned income plus one-half of earned income in excess of \$85 per month, and (B) shall, for a period not in excess of twelve months, and may, for a period not in excess of thirty-six months, disregard such additional amounts of other income and resources, in the case of an individual who has a plan for achieving self-support approved by the State agency, as may be necessary for the fulfillment of such plan, and in making such determination with respect to any other individual who has attained age 65 and is claiming aid to the aged, blind, or disabled, of the first \$50 per month of earned income the State agency may, after December 31, 1962, disregard not more than the first \$10 thereof plus one-half of the remainder; and".

Approved October 13, 1964.

Public Law 88-651

AN ACT

October 13, 1964
[H. R. 2434]

To amend section 560 of title 38, United States Code, to permit the payment of special pension to holders of the Congressional Medal of Honor awarded such medal for actions not involving conflict with an enemy, and for other purposes.

Veterans.
Medal of Honor
Roll.
77 Stat. 95.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 560(b) of title 38, United States Code, is amended (1) by striking out "fifty years" and inserting in lieu thereof "forty years" and (2) by striking out "beyond the call of duty" and all that follows through the end thereof and inserting in lieu thereof "beyond the call of duty while so serving."

Approved October 13, 1964.

Public Law 88-652

AN ACT

To provide an equitable system for the classification of certain positions under the House of Representatives, and for other purposes.

October 13, 1964
[H. R. 12318]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

House Employ-
ees Position Clas-
sification Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "House Employees Position Classification Act".

PURPOSE

SEC. 2. It is the purpose of this Act to provide a classification system for the equitable establishment and adjustment of rates of compensation for, and for the efficient utilization of personnel in, certain positions under the House of Representatives to which this Act applies, through—

(1) the creation and maintenance of orderly and equitable compensation relationships for such positions—

(A) in accordance with the principle of equal pay for substantially equal work, and

(B) with due regard to (i) differences in the levels of difficulty, responsibility, and qualification requirements of the work, (ii) the kind of work performed, (iii) satisfactory performance, and (iv) length of service;

(2) the application of appropriate position standards and position descriptions for such positions; and

(3) the adoption of organization and position titles in the House which accurately reflect the respective functions, duties, and responsibilities of those organizations and positions in the House to which this Act applies.

APPLICATION

SEC. 3. This Act shall apply to—

(1) all positions under the Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, except the positions of telephone operator and positions on the United States Capitol Police force;

(2) the position of minority pair clerk in the House;

(3) all positions under the House Recording Studio; and

(4) all positions under the House Radio and Television Correspondents' Gallery and the House Periodical Press Gallery.

COMPENSATION SCHEDULES

SEC. 4. (a) (1) The Committee on House Administration of the House of Representatives (hereinafter referred to as the "committee") shall establish and maintain, and, from time to time, may revise, for positions to which this Act applies (other than positions within the purview of subsection (b) of this section the compensation for which is fixed and adjusted from time to time in accordance with prevailing rates), a compensation schedule of per annum rates, which shall be known as the "House Employees Schedule" and for which the symbol shall be "HS", subject to the following provisions:

"House Employ-
ees Schedule."

(A) Such schedule shall be composed of such number of compensation levels as the committee deems appropriate.

(B) Each compensation level shall consist of twelve compensation steps.

(C) The per annum rate of compensation for each compensation step of each compensation level shall be in such amount as the committee deems appropriate, except that the per annum rate of compensation for the maximum compensation step of the highest compensation level shall not exceed the maximum rate of compensation authorized by the Classification Act of 1949, as amended.

Ante, p. 400.

(2) The rates of compensation for such positions shall be in accordance with such schedule.

(b) The committee shall establish and maintain, and, from time to time, may revise, for positions under the Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, the compensation for which, in the judgment of the committee, should be fixed and adjusted from time to time in accordance with prevailing rates, a compensation schedule providing for per annum or per hour rates, or both, established in accordance with prevailing rates and consisting of such number of compensation levels and steps as the committee deems appropriate, which shall be known as the "House Wage Schedule" and for which the symbol shall be "HWS". The rates of compensation for such positions shall be in accordance with such schedule.

"House Wage
Schedule."

POSITION STANDARDS AND DESCRIPTIONS

SEC. 5. (a) (1) It shall be the duty of the committee to prescribe, revise, and (on a current basis) maintain position standards which shall apply to positions (in existence on, or established after, the effective date of this Act) under the House of Representatives to which this Act applies.

(2) The position standards shall—

(A) provide for the separation of such positions into appropriate classes for pay and personnel purposes on the basis of reasonable similarity with respect to types of positions, qualification requirements of positions, and levels of difficulty and responsibility of work, and

(B) govern the placement of such positions in their respective appropriate compensation levels of the appropriate compensation schedule.

(b) (1) Subject to review and approval by the committee, the Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster of the House of Representatives, shall prepare, revise, and (on a current basis) maintain, at such times and in such form as the committee deems appropriate, position descriptions of the respective positions (in existence on, or established after, the effective date of this Act) under the House of Representatives to which this Act applies which are under their respective jurisdictions, including—

(A) with respect to the Clerk, positions under the House Recording Studio,

(B) with respect to the Sergeant at Arms, the position of minority pair clerk in the House, and

(C) with respect to the Doorkeeper, positions under the House Radio and Television Correspondents' Gallery and the House Periodical Press Gallery.

(2) The position descriptions shall—

(A) describe in detail the actual duties, responsibilities, and qualification requirements of the work of each of such positions,

(B) provide a position title for such position which accurately reflects such duties and responsibilities, and

(C) govern the placement of such position in its appropriate class.

(c) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, shall transmit to the committee, at such times and in such form as the committee deems appropriate, all position descriptions required by subsection (b) of this section to be prepared, provided, and currently maintained by them, together with such other pertinent information as the committee may require, in order that the committee shall have, at all times, current information with respect to such position descriptions, the positions to which such descriptions apply, and related personnel matters within the purview of this Act. Such information so transmitted shall be kept on file in the committee.

(d) Notwithstanding any other provision of this Act, the committee shall have authority, which may be exercised at any time in its discretion, to—

(1) conduct surveys and studies of all organization units, and the positions therein, to which this Act applies;

(2) ascertain on a current basis the facts with respect to the duties, responsibilities, and qualification requirements of any position to which this Act applies;

(3) prepare and revise the position description of any such position;

(4) place any such position in its appropriate class and compensation level;

(5) decide whether any such position is in its appropriate class and compensation level;

(6) change any such position from one class or compensation level to any other class or compensation level whenever the facts warrant; and

(7) prescribe such organization and position titles as may be appropriate to carry out the purposes of this Act.

All such actions of the committee shall be binding on the House officer and organization unit concerned and shall be the basis for payment of compensation and for other personnel benefits and transactions until otherwise changed by the committee.

PLACEMENT OF POSITIONS IN COMPENSATION SCHEDULES

SEC. 6. The committee shall place each position (in existence on, or established after, the effective date of this Act) under the House of Representatives to which this Act applies in its appropriate class, and in its appropriate compensation level of the appropriate compensation schedule, in accordance with the position standards and position descriptions provided for in section 5 of this Act. The committee is authorized, when circumstances so warrant, to change any such position from one class or compensation level to another class or compensation level. All actions of the committee under this section shall be binding on the House officer and organization unit concerned and shall be the basis for payment of compensation and for other personnel benefits and transactions until otherwise changed by the committee.

STEP INCREASES

SEC. 7. (a) Each employee in a compensation level of the House Employees Schedule (HS), who has not attained the highest scheduled rate of compensation for the compensation level (HS level) in which his position is placed, shall be advanced successively to the next higher step of such HS level, as follows:

(1) to steps 2, 3, and 4, respectively—at the beginning of the first pay period following the completion, without break in service of more than thirty months, of one year of satisfactory service in the next lower step;

(2) to steps 5, 6, and 7, respectively—at the beginning of the first pay period following the completion, without break in service of more than thirty months, of two years of satisfactory service in the next lower step;

(3) to steps 8, 9, and 10, respectively—at the beginning of the first pay period following the completion, without break in service of more than thirty months, of three years of satisfactory service in the next lower step; and

(4) to steps 11 and 12, respectively—at the beginning of the first pay period following the completion, without break in service of more than thirty months, of five years of satisfactory service in the next lower step.

(b) The receipt of an increase in compensation during any of the waiting periods of service specified in subsection (a) of this section shall cause a new full waiting period of service to commence for further step increases under such subsection.

(c) Any increase in compensation granted by law, or granted by reason of an increase made by the committee in the rates of compensation of the House Employees Schedule, to employees within the purview of subsection (a) of this section shall not be held or considered to be an increase in compensation for the purposes of subsection (b) of this section.

(d) The benefit of successive step increases under subsection (a) of this section shall be preserved, under regulations prescribed by the committee, for employees whose continuous service is interrupted by service in the Armed Forces of the United States.

(e) The committee shall establish and maintain, and, from time to time, may revise, a system of automatic advancement, by successive step increases in compensation, on the basis of satisfactory service performed, without break in service of more than thirty months, for employees subject to the House Wage Schedule (HWS). In the operation of such system of step increases the committee may prescribe regulations to the effect that—

(1) the receipt of an increase in compensation during any of the waiting periods of service required for advancement by step increases under such system shall cause a new full waiting period of service to commence for further step increases under such system;

(2) any increase in compensation granted by law, or granted by reason of an increase made by the committee in the rates of compensation of the House Wage Schedule, to employees within the purview of such system of step increases shall not be held or considered to be an increase in compensation for the purposes of subparagraph (1) of this subsection; and

(3) the benefit of successive step increases under such system of step increases shall be preserved, under regulations prescribed by the committee, for employees whose continuous service is interrupted by service in the Armed Forces of the United States.

APPOINTMENTS AND RECLASSIFICATIONS TO HIGHER COMPENSATION LEVELS

SEC. 8. (a) Each employee in a compensation level of the House Employees Schedule (HS), who is appointed to a position in a higher compensation level of such schedule, or whose position is placed in a higher compensation level of such schedule pursuant to a reclassifica-

tion of such position, shall be paid compensation in such higher compensation level, in accordance with the following provisions, whichever is first applicable in the following numerical order of precedence:

(1) at the rate of the lowest step for which the rate of compensation equals the rate of compensation for that step, in the compensation level from which he is appointed, which is two steps above the step in such level which he had attained immediately prior to such appointment;

(2) at the rate of the lowest step for which the rate of compensation exceeds, by not less than two steps of the compensation level from which he is appointed, his rate of compensation immediately prior to such appointment; or

(3) at the rate of the highest step of such higher compensation level, or at his rate of compensation immediately prior to such appointment, whichever rate is the higher.

(b) The committee may provide by regulations for the payment of compensation, at an appropriate compensation step determined in accordance with such regulations, to each employee subject to the House Wage Schedule (HWS) who is appointed to a position in a higher compensation level of such schedule or whose position is placed in a higher compensation level of such schedule pursuant to a reclassification of such position.

REDUCTIONS IN COMPENSATION LEVEL

SEC. 9. Each employee in a position of a compensation level of the House Employees Schedule (HS) or the House Wage Schedule (HWS), whose employment in such position and level is terminated and who is reemployed, with or without break in service, in a position in a lower compensation level (HS level or HWS level) of such schedule, or whose position is placed in a lower compensation level of such schedule pursuant to a reclassification of such position, shall be placed by the committee in such step of such lower compensation level as the committee deems appropriate.

APPOINTMENTS

SEC. 10. Except as otherwise provided by this Act, each individual appointed to a position subject to the House Employees Schedule (HS) or the House Wage Schedule (HWS) shall be placed in the minimum step of the appropriate compensation level (HS level or HWS level) of such schedule.

ESTABLISHMENT OF POSITIONS

SEC. 11. The committee may authorize the establishment of additional positions of the kind to which this Act applies, on a permanent basis or on a temporary basis of not to exceed six months' duration, whenever, in the judgment of the committee, such action is warranted in the interests of the orderly and efficient operation of the House of Representatives. The compensation of each such position may be paid out of the contingent fund of the House of Representatives until otherwise provided by law. An additional position of the kind to which this Act applies shall not be established without authorization of the committee.

PRESERVATION OF APPOINTING AUTHORITIES

SEC. 12. This Act shall not be held or considered to change or otherwise affect—

- (1) any authority to establish positions under the House of Representatives which are not within the purview of this Act, or
- (2) any authority to make appointments to positions under the House of Representatives, irrespective of whether such positions are within the purview of this Act.

REGULATIONS

SEC. 13. The committee is authorized to prescribe such regulations as may be necessary to carry out the purposes of this Act.

DUAL COMPENSATION

SEC. 14. For the purposes of applicable law relating to the payment to any employee subject to the House Employees Schedule or the House Wage Schedule of compensation from more than one civilian office or position, the rate of basic compensation of each employee subject to any such schedule shall be held and considered to be that rate which, when increased by additional compensation then currently authorized by law for House employees generally, equals or most nearly equals the per annum rate of compensation of such employee under such schedule.

SAVING PROVISIONS

SEC. 15. (a) Notwithstanding any provision of this Act, the aggregate (gross) rate of compensation of any employee immediately prior to the effective date of this Act shall not be reduced by reason of the enactment of this Act.

(b) For the purposes of applicable law relating to the payment to any individual of compensation from more than one civilian office or position, each employee of the House to whom this Act applies who, immediately prior to the effective date of this Act—

(1) is receiving basic compensation from more than one civilian office or position and

(2) is in compliance with such law

shall be held and considered to be in compliance with such law on and after such effective date, notwithstanding the enactment of this Act, so long as such employee continues to receive, without break in service of more than thirty days, the same or lower rate of basic compensation in a position to which this Act does not apply.

CHANGES IN EXISTING LAW

SEC. 16. (a) Section 105(f) of the Legislative Branch Appropriation Act, 1957 (70 Stat. 371; Public Law 624, 84th Congress; 2 U.S.C. 123b(f)), which relates to compensation of personnel under the House Recording Studio, is amended by striking out "and fix the compensation of".

(b) The proviso under the heading "House of Representatives" and under the caption "Office of the Doorkeeper", which relates to compensation of pages of the House of Representatives, in the Legislative Branch Appropriation Act, 1949 (62 Stat. 426; Public Law 641, Eightieth Congress; 2 U.S.C. 88c), is amended by striking out "shall be at the basic rate of \$1,800 per annum and".

EFFECTIVE DATE

SEC. 17. This Act shall become effective on January 1, 1965.
Approved October 13, 1964.

Public Law 88-653

AN ACT

To amend the Internal Revenue Code of 1954 to authorize the use of certain volatile fruit-flavor concentrates in the cellar treatment of wine, and for other purposes.

October 13, 1964
[H. R. 4649]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5382 (b) of the Internal Revenue Code of 1954 (relating to specifically authorized types of cellar treatment of natural wine) is amended by adding at the end thereof the following new paragraph:

Wine, use of
fruit-flavored
concentrates.
72 Stat. 1383.
26 USC 5382.

“(9) The addition—

“(A) to natural grape or berry wine of the winemaker’s own production, of volatile fruit-flavor concentrate produced from the same kind and variety of grape or berry at a plant qualified under section 5511, or

“(B) to natural fruit wine (other than grape or berry) of the winemaker’s own production, of volatile fruit-flavor concentrate produced from the same kind of fruit at such a plant, so long as the proportion of the volatile fruit-flavor concentrate to the wine does not exceed the proportion of the volatile fruit-flavor concentrate to the original juice or must from which it was produced. The transfer of volatile fruit-flavor concentrate from a plant qualified under section 5511 to a bonded wine cellar and its storage and use in such a cellar shall be under such applications and bonds, and under such other requirements, as may be provided in regulations prescribed by the Secretary or his delegate.”

26 USC 5511.

SEC. 2. Section 5382 of such Code (relating to cellar treatment of wine) is amended by adding at the end thereof the following new subsection:

“(d) **USE OF JUICE OR MUST FROM WHICH VOLATILE FRUIT FLAVOR HAS BEEN REMOVED.**—For purposes of this part, juice, concentrated juice, or must processed at a plant qualified under section 5511 may be deemed to be pure juice, concentrated juice, or must even though volatile fruit flavor has been removed if, at a plant qualified under section 5511 or at the bonded wine cellar, there is added to such juice, concentrated juice, or must, or (in the case of a bonded wine cellar) to wine of the winemaker’s own production made therefrom, either the identical volatile flavor removed or—

“(1) in the case of natural grape or berry wine of the winemaker’s own production, an equivalent quantity of volatile fruit-flavor concentrate produced at such a plant and derived from the same kind and variety of grape or berry, or

“(2) in the case of natural fruit wine (other than grape or berry wine) of the winemaker’s own production, an equivalent quantity of volatile fruit-flavor concentrate produced at such a plant and derived from the same kind of fruit.”

SEC. 3. Paragraph (2) of section 5511 of the Internal Revenue Code of 1954 (relating to establishment and operation of volatile fruit-flavor concentrate plants) is amended to read as follows:

“(2) such concentrate is rendered unfit for use as a beverage before removal from the place of manufacture, or (in the case of a concentrate which does not exceed 24 percent alcohol by volume) such concentrate is transferred to a bonded wine cellar for use in production of natural wine as provided in section 5382; and”.

SEC. 4. The amendments made by the first section and sections 2 and 3 of this Act shall take effect on the first day of the second

Effective date.

month which begins more than 10 days after the date on which this Act is enacted.

Motor vehicle
tax, exemptions.
68A Stat. 482.
26 USC 4063.

SEC. 5. (a) Section 4063 of the Internal Revenue Code of 1954 (relating to exemptions from the tax on motor vehicles) is amended by adding at the end thereof the following new subsection:

“(c) **REBUILT PARTS AND ACCESSORIES.**—Under regulations prescribed by the Secretary or his delegate, the tax imposed under section 4061(b) shall not apply in the case of rebuilt parts or accessories.”

26 USC 4062.

(b) Section 4062 of such Code (relating to definitions) is amended by striking out subsection (b).

(c) The amendments made by this section shall apply with respect to articles sold on or after the first day of the first calendar quarter which begins after the date of the enactment of this Act.

Radio and tele-
vision compo-
nents.

SEC. 6. (a) Section 4142 of the Internal Revenue Code of 1954 (relating to definition of radio and television component) is amended—

(1) by striking out the heading of such section and inserting in lieu thereof “**SEC. 4142. DEFINITIONS.**”;

(2) by inserting before “As” the following:

“(a) **RADIO AND TELEVISION COMPONENT.**—”; and

(3) by adding at the end thereof the following new subsection:

“(b) **SALE PRICE OF REBUILT TELEVISION PICTURE TUBES.**—In determining the sale price of a rebuilt television picture tube, there shall be excluded from the price, in accordance with regulations prescribed by the Secretary or his delegate, the value of a television picture tube accepted in exchange.”

(b) The table of sections for part I of subchapter C of chapter 32 of such Code is amended by striking out

“Sec. 4142. Definition of radio and television component.”

and inserting in lieu thereof

“Sec. 4142. Definitions.”

(c) The amendments made by this section shall apply with respect to articles sold on or after the first day of the first calendar quarter which begins after the date of the enactment of this Act.

Approved October 13, 1964.

Public Law 88-654

AN ACT

October 13, 1964
[S. 2180]

To amend title VII of the Public Health Service Act so as to extend to qualified school of optometry and students of optometry those provisions thereof relating to student loan programs.

Optometry.
Loans to stu-
dents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 740(a) of the Public Health Service Act is amended by striking out “or dentistry” and inserting “dentistry, or optometry”.

(b) Section 740(b)(4) of such Act is amended by striking out “or doctor of osteopathy” and inserting “doctor of osteopathy, or doctor of optometry or an equivalent degree”.

(c) Section 741(b) of such Act is amended by striking out “or doctor of osteopathy” and inserting “doctor of osteopathy, or doctor of optometry or an equivalent degree”.

(d) Section 741(c) of such Act is amended by striking out “or dentistry” and inserting “dentistry, or optometry”.

Approved October 13, 1964.

77 Stat. 170.
42 USC 294.

Public Law 88-655

AN ACT

October 13, 1964
[H. R. 1096]

To authorize the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to assure protection, preservation, and interpretation of the nationally significant values of Wisconsin continental glaciation, including moraines, eskers, kames, kettleholes, drumlins, swamps, lakes, and other reminders of the ice age.

Ice Age National Scientific Reserve.

SEC. 2. (a) To implement the purpose of this Act, the Secretary of the Interior (hereinafter called the "Secretary"), in cooperation with State and local governmental authorities of Wisconsin, may formulate within two years after this Act takes effect a comprehensive plan for the protection, preservation, and interpretation of outstanding examples of continental glaciation in Wisconsin; but he shall not spend more than \$50,000 of Federal funds thereon.

Comprehensive plan.

(b) When the comprehensive plan is completed and the Secretary is satisfied that State legislation exists for the preservation of the nationally significant features of the reserve, open to the people of the entire Nation, he shall transmit copies thereof to the President of the Senate and the Speaker of the House of Representatives and may, ninety days thereafter and after consulting with the Governor of the State of Wisconsin, publish notice in the Federal Register of the establishment of the Ice Age National Scientific Reserve and of the boundaries thereof, which boundaries shall comprise lands owned or to be acquired by the State and local governments of Wisconsin in the following areas:

Copies to Congress.
Publication in Federal Register.

(1) Eastern area (portions of the northern unit of the Kettle Moraine State Forest and Campbellsport drumlin area);

(2) Central area (portions of Devil's Lake State Park);

(3) Northwestern area (portions of Chippewa County);

(4) Related areas (other areas in the State of Wisconsin which the Secretary and the Governor of Wisconsin agree upon as significant examples of continental glaciation).

(c) Any area outside of the national forests that the Secretary and the Governor of Wisconsin agree has significant examples of continental glaciation but is not described in the original notice may be included in the reserve by the Secretary after notice to the President of the Senate and the Speaker of the House of Representatives and publication in the Federal Register, as hereinbefore provided, and any area that they consider to be no longer desirable as a part of the reserve may be excluded from it by the Secretary in the same manner.

Inclusion of other areas.
Publication in Federal Register.

SEC. 3. The Secretary may grant financial assistance to the State of Wisconsin for its acquisition of lands and interests in lands lying within the area designated as the reserve. Any grant made under this section shall be only for lands or interests in land acquired by the State after establishment of the reserve, as provided in section 2, subsection (b), of this Act, and the total of all grants under this section shall not exceed \$750,000 or 50 per centum of the fair market value of the lands or interests in land so acquired, including incidental acquisition costs, whichever is less, and shall be subject to terms and conditions prescribed by the Secretary.

Financial assistance to Wisconsin.

SEC. 4. The comprehensive plan presented by the Secretary to the President of the Senate and the Speaker of the House of Representatives may include such recommendations, if any, as he and the Governor of the State of Wisconsin may wish to make with respect to

Public facilities and services.

Federal and State participation in the financing of appropriate interpretive and other public facilities and services within the reserve, including facilities and services to be furnished by such private organizations as the Ice Age Park and Trail Foundation, a nonprofit corporation, but no commitment with respect thereto shall be made by the Secretary and no Federal appropriations shall be available for this purpose.

Termination of
contributions.

SEC. 5. (a) Whenever the Secretary determines that appropriate management and protection set down in the comprehensive plan are not being afforded the nationally significant values within the reserve or that funds are not being provided on the prescribed matching basis by the State of Wisconsin or other non-Federal sources, he may terminate contributions under this Act.

(b) Any payment made by the Secretary under the provisions of subsection (2) of section 3 of this Act shall be made subject to the understanding and agreement by the State of Wisconsin that the conversion, use, or disposal, for purposes contrary to the purposes of this Act, as determined by the Secretary, of any land acquired by said State with funds supplied in part by the United States pursuant to said subsection, shall result in a right of the United States to compensation therefor from said State in the amount of one-half of the fair market value of the land, exclusive of any improvements thereon, as determined at the time of such conversion, use, or disposal.

Appropriation.

SEC. 6. There are hereby authorized to be appropriated not to exceed \$800,000 to carry out the provisions of this Act.

Approved October 13, 1964.

Public Law 88-656

AN ACT

October 13, 1964
[S. 3162]

To amend section 105(a) of the Legislative Branch Appropriation Act, 1965, with respect to the disclosure in reports required thereunder of the names of persons who have appeared as witnesses before committees sitting in executive session.

Congressional
witnesses.
Disclosure of
names.
Ante, p. 550.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 105(a) of the Legislative Branch Appropriation Act, 1965, is amended by inserting immediately after the second sentence thereof the following: "Notwithstanding the foregoing provisions of this subsection, in any case in which the voucher or vouchers covering payment to any person for attendance as a witness before any committee of the Senate or House of Representatives, or any subcommittee thereof, during any semiannual period, indicate that all appearances of such person covered by such voucher or vouchers were as a witness in executive session of the committee or subcommittee, information regarding such payment, except for date of payment, voucher number, and amount paid, shall not be included in the report compiled pursuant to this subsection for such semiannual period. Any information excluded from a report for any semiannual period by reason of the foregoing sentence shall be included in the report compiled pursuant to this subsection for the succeeding semiannual period.

Approved October 13, 1964.

Public Law 88-657

AN ACT

To enable the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests, and for other purposes.

October 13, 1964
[S. 1147]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby finds and declares that the construction and maintenance of an adequate system of roads and trails within and near the national forests and other lands administered by the Forest Service is essential if increasing demands for timber, recreation, and other uses of such lands are to be met; that the existence of such a system would have the effect, among other things, of increasing the value of timber and other resources tributary to such roads; and that such a system is essential to enable the Secretary of Agriculture (hereinafter called the Secretary) to provide for intensive use, protection, development, and management of these lands under principles of multiple use and sustained yield of products and services.

National forests.
Roads and trails
system.

SEC. 2. The Secretary is authorized, under such regulations as he may prescribe, subject to the provisions of this Act, to grant permanent or temporary easements for specified periods or otherwise for road rights-of-way (1) over national forest lands and other lands administered by the Forest Service, and (2) over any other related lands with respect to which the Department of Agriculture has rights under the terms of the grant to it.

Easements.
Secretary of
Agriculture,
authority.

SEC. 3. An easement granted under this Act may be terminated by consent of the owner of the easement, by condemnation, or after a five-year period of nonuse the Secretary may, if he finds the owner has abandoned the easement, make a determination to cancel it. Before the Secretary may cancel an easement for nonuse the owner of such easement must be notified of the determination to cancel and be given, upon his request made within sixty days after receipt of the notice, a hearing in accordance with such rules and regulations as may be issued by the Secretary.

SEC. 4. The Secretary is authorized to provide for the acquisition, construction, and maintenance of forest development roads within and near the national forests and other lands administered by the Forest Service in locations and according to specifications which will permit maximum economy in harvesting timber from such lands tributary to such roads and at the same time meet the requirements for protection, development, and management thereof, and for utilization of the other resources thereof. Financing of such roads may be accomplished (1) by the Secretary utilizing appropriated funds, (2) by requirements on purchasers of national forest timber and other products, including provisions for amortization of road costs in contracts, (3) by cooperative financing with other public agencies and with private agencies or persons, or (4) by a combination of these methods: *Provided*, That where roads of a higher standard than that needed in the harvesting and removal of the timber and other products covered by the particular sale are to be constructed, the purchaser of the national forest timber and other products shall not be required to bear that part of the costs necessary to meet such higher standard, and the Secretary is authorized to make such arrangements to this end as may be appropriate.

Forest develop-
ment roads.

SEC. 5. Copies of all instruments affecting permanent interests in land executed pursuant to this Act shall be recorded in each county where the lands are located. Copies of all instruments affecting interests in lands reserved from the public domain shall be furnished to the Secretary of the Interior.

Instruments,
recording.

Maintenance and reconstruction by road users.

SEC. 6. The Secretary may require the user or users of a road under the control of the Forest Service, including purchasers of Government timber and other products, to maintain such roads in a satisfactory condition commensurate with the particular use requirements of each. Such maintenance to be borne by each user shall be proportionate to total use. The Secretary may also require the user or users of such a road to reconstruct the same when such reconstruction is determined to be necessary to accommodate such use. If such maintenance or reconstruction cannot be so provided or if the Secretary determines that maintenance or reconstruction by a user would not be practical, then the Secretary may require that sufficient funds be deposited by the user to provide his portion of such total maintenance or reconstruction. Deposits made to cover the maintenance or reconstruction of roads are hereby made available until expended to cover the cost to the United States of accomplishing the purposes for which deposited: *Provided*, That deposits received for work on adjacent and overlapping areas may be combined when it is the most practicable and efficient manner of performing the work, and cost thereof may be determined by estimates: *And provided further*, That unexpended balances upon accomplishment of the purpose for which deposited shall be transferred to miscellaneous receipts or refunded.

Fund.

SEC. 7. Whenever the agreement under which the United States has obtained for the use of, or in connection with, the national forests and other lands administered by the Forest Service a right-of-way or easement for a road or an existing road or the right to use an existing road provides for delayed payments to the Government's grantor, any fees or other collections received by the Secretary for the use of the road may be placed in a fund to be available for making payments to the grantor.

Approved October 13, 1964.

Public Law 88-658

October 13, 1964
[S. 2968]

AN ACT

To amend subsection 120(f) of title 23, United States Code.

Highway repair and reconstruction.

Federal share.
73 Stat. 613.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 120(f) of title 23, United States Code, is amended to read as follows:

"(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 50 per centum of the cost thereof: *Provided*, That, in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area: *Provided further*, That the Federal share payable on account of any repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, and Indian reservation roads may amount to 100 per centum of the cost thereof, whether or not such highways, roads, or trails are on any Federal-aid highway system. Any project agreement for which the final voucher has not been approved by the Secretary on or before the date of this Act may be modified to provide for the Federal share authorized herein."

Approved October 13, 1964.

Public Law 88-659

AN ACT

To regulate the location of chanceries and other business offices of foreign governments in the District of Columbia.

October 13, 1964
[S. 646]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act entitled "An Act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and the uses of land in the District of Columbia, and for other purposes", approved June 20, 1938, as amended (D.C. Code, sec. 5-418), is amended by inserting "(a)" after "Sec. 6." and by adding at the end of such section the following new subsections:

D.C. zoning regulations. Buildings of foreign governments.

52 Stat. 798.

"(b) After the date of enactment of this subsection a foreign government shall be permitted to construct, alter, repair, convert, or occupy a building anywhere in the District of Columbia, other than a district or zone restricted in accordance with this Act to use for industrial purposes, for use by such government as an embassy.

"(c) After the date of enactment of this subsection, except as otherwise provided in subsection (d) of this section, no foreign government shall be permitted to construct, alter, repair, convert, or occupy a building for use as a chancery where official business of such government is to be conducted on any land, regardless of the date such land was acquired, within any district or zone restricted in accordance with this Act to use for residential purposes.

"(d) After the date of enactment of this subsection a foreign government shall be permitted to construct, alter, repair, convert, or occupy a building for use as a chancery within any district or zone restricted in accordance with this Act to use for medium-high density apartments or high density apartments if the Board of Zoning Adjustment shall determine after a public hearing that the proposed use and the building in which the use is to be conducted are compatible with the present and proposed development of the neighborhood. In determining compatibility the Board of Zoning Adjustment must find that—

"(1) in districts or zones restricted in accordance with this Act to use for medium-high density apartments, that off-street parking spaces will be provided at a ratio of not less than one such space for each twelve hundred square feet of gross floor area; and

"(2) in districts or zones restricted in accordance with this Act to use for high density apartments, that off-street parking spaces will be provided at a ratio of not less than one such space for each one thousand eight hundred square feet of gross floor area: and

"(3) the height of the building does not exceed the maximum permitted in the district or zone in which it is located; and

"(4) the architectural design and the arrangement of all structures and off-street parking spaces are in keeping with the character of the neighborhood.

"(e) As used in this section, the term—

Definitions.

"(1) 'embassy' means a building used as the official residence of the chief of a diplomatic mission of a foreign government.

"(2) 'chancery' means a building containing business offices of the chief of a diplomatic mission of a foreign government where official business of such government is conducted, and such term shall include any chancery annex, and the business offices of attachés of a foreign government who are under the personal direction and superintendence of the chief of mission of such government. Such term shall not include business offices of non-

diplomatic missions of foreign governments such as purchasing, financial, educational, or other missions of comparable nondiplomatic nature.

“(3) ‘person’ means any individual who is subject to direction by the chief of mission of a foreign government and is engaged in diplomatic activities recognized as such by the Secretary of State.”

SEC. 2. Nothing in the amendments made by the first section of this Act shall prohibit—

(1) the future or continued use of a building as a chancery or the making of ordinary repairs to any such building for which lawful use as a chancery existed on the date of enactment of this Act, or

(2) the construction, reconstruction, expansion, or alteration in accordance with any permit issued by the Board of Commissioners of the District of Columbia on or before February 18, 1964, of any building used or to be used as a chancery.

SEC. 3. The amendments made by the first section of this Act shall apply only to applications for special exemptions to the zoning regulations filed with the Board of Zoning Adjustment after May 1, 1964.

SEC. 4. After the date of enactment of this Act, no building or chancery being used by a foreign government in the District of Columbia shall be transferred to or used by another foreign government unless such use is in accordance with section 6 of the Act of June 20, 1938, as amended (D.C. Code, sec. 5-418), or unless such use was in accordance with applicable law at the time of this enactment.

SEC. 5. This Act and the amendments made thereby shall not be administered in such a way as to discriminate against any foreign government on the basis of the race, color, or creed of any of its citizens.

Approved October 13, 1964.

Transfer of
property between
foreign govern-
ments.

52 Stat. 798.

Public Law 88-660

AN ACT

October 13, 1964
[S. 1593]

To amend section 14 of the Federal-Aid Highway Act of 1954 concerning the interstate planning and coordination of the Great River Road.

Federal-Aid
Highway Act of
1954, amendment.
Great River
Road.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of the Federal-Aid Highway Act of 1954 (68 Stat. 70), is hereby amended to read as follows:

“For the purpose of expediting the interstate planning and coordination of a continuous Great River Road and appurtenances thereto traversing the Mississippi Valley from Canada to the Gulf of Mexico in general conformity with the provisions of title 23, United States Code, and with the recommended plan set forth in the joint report submitted to the Congress November 28, 1951, by the Secretaries of Commerce and Interior pursuant to the Act of August 24, 1949 (Public Law 262, Eighty-first Congress), there is hereby authorized to be expended by the Secretary of Commerce from general administrative funds not to exceed \$500,000; the amount expended under this section shall be apportioned among the ten States bordering the Mississippi River on the basis of their relative needs as determined by the Secretary of Commerce.”

Approved October 13, 1964.

63 Stat. 626.
Appropriation.

Public Law 88-661

AN ACT

To amend section 5 of the Employment Act of 1946.

October 13, 1964
[S. 3174]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(e) of the Employment Act of 1946, as amended (15 U.S.C. 1024; 60 Stat. 23, Public Law 304, Seventy-ninth Congress), is amended to read as follows:

Joint Economic
Committee.
Appropriation.

“(e) To enable the joint committee to exercise its powers, functions, and duties under this Act, there are authorized to be appropriated for each fiscal year such sums as may be necessary, to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman.”

Approved October 13, 1964.

Public Law 88-662

AN ACT

To designate as Clair Engle Lake the reservoir created by the Trinity Dam, Central Valley project, California.

October 13, 1964
[S. 3143]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the reservoir created by the Trinity Dam, Central Valley project, California, shall hereafter be known as Clair Engle Lake as an appropriate tribute to the outstanding leadership and great service which the late Clair Engle performed on behalf of the development of our natural resources in the State of California and the Nation, and especially his enlightened vision for the necessity to conserve and put to the best possible beneficial use the water and power resources of this Nation, and any law, regulation, document, or record of the United States in which such reservoir is designated or referred to shall hereafter be held to refer to such reservoir by the name of Clair Engle Lake.

Clair Engle
Lake, Calif.
Designation.

Approved October 13, 1964.

Public Law 88-663

AN ACT

To provide for the disposition of judgment funds now on deposit to the credit of the Red Lake Band of Chippewa Indians.

October 13, 1964
[S. 3035]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Red Lake Band of Chippewa Indians that were appropriated by the Act of June 9, 1964, to pay a judgment by the Indian Claims Commission in docket 18A, and the interest thereon, after payment of attorney fees and expenses, may be advanced or expended for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Any part of such funds that may be distributed per capita to the members of the tribe shall not be subject to Federal or State income tax.

Red Lake Band
of Chippewa
Indians.
Judgment funds.

Ante, p. 213.

Approved October 13, 1964.

Drugs or medicines.
Ante, p. 504.

SEC. 8. Section 612 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

Ante, p. 1095.

"(h) Any veteran who as a veteran of World War I, World War II, or the Korean conflict is receiving increased pension under section 521(d) of this title based on need of regular aid and attendance may be furnished drugs or medicines ordered on prescription of a duly licensed physician as specific therapy in the treatment of an illness or injury suffered by the veteran."

Duplication of benefits.
72 Stat. 1230.

SEC. 9. Section 3104(a) of title 38, United States Code, is amended by inserting "or concurrently to any person based on the service of any other person" immediately before the period at the end thereof.

73 Stat. 436.
38 USC 521
note.

SEC. 10. In computing the income of persons whose pension eligibility is subject to the first sentence of section 9(b) of the Veterans Pension Act of 1959, there shall be excluded 10 per centum of the amount of payments received under public or private retirement, annuity, endowment, or similar plans or programs.

Effective date.

SEC. 11. (a) Except as otherwise provided herein, this Act shall take effect on January 1, 1965.

Ante, p. 1094.
38 USC 501-
562.

(b) The amendment to paragraph (6) of section 503, title 38, United States Code, shall not apply to any individual receiving pension on December 31, 1964, under chapter 15 of said title, or subsequently determined entitled to such pension for said day, until his contributions have been recouped under the provision of that paragraph in effect on December 31, 1964.

National Service Life Insurance.
38 USC 701-
724.

SEC. 12. (a) Subchapter I of chapter 19 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 725. Limited period for acquiring insurance

Post, p. 1098.

"(a) Any person (other than a person referred to in subsection (f) of this section) heretofore eligible to apply for National Service Life Insurance after October 7, 1940, and before January 1, 1957, who is found by the Administrator to be suffering (1) from a service-connected disability or disabilities for which compensation would be payable if 10 per centum or more in degree and except for which such person would be insurable according to the standards of good health established by the Administrator; or (2) from a non-service-connected disability which renders such person uninsurable according to the standards of good health established by the Administrator and such person establishes to the satisfaction of the Administrator that he is unable to obtain commercial life insurance at a substandard rate, shall, upon application in writing made within one year after the effective date of this section, compliance with the health requirements of this section and payment of the required premiums, be granted insurance under this section.

"(b) If, notwithstanding the applicant's service-connected disability, he is insurable according to the standards of good health established by the Administrator, the insurance granted under this section shall be issued upon the same terms and conditions as are contained in the standard policies of National Service Life Insurance except (1) five-year level premium term insurance may not be issued; (2) the net premium rates shall be based on the 1958 Commissioners Standard Ordinary Basic Mortality Table, increased at the time of issue by such an amount as the Administrator determines to be necessary for sound actuarial operations, and thereafter such premiums may be adjusted as the Administrator determines to be so necessary but at intervals of not less than two years; (3) an additional premium to cover administrative costs to the Government as determined by the Administrator at times of issue shall be charged for insurance issued under this subsection and for any total disability income provision attached thereto, and thereafter such costs may be adjusted as the Administrator determines to be necessary but at intervals of not less

than five years; (4) all cash, loan, extended and paid-up insurance values shall be based on the 1958 Commissioners Standard Ordinary Basic Mortality Table; (5) all settlements on policies involving annuities shall be calculated on the basis of The Annuity Table for 1949; (6) all calculations in connection with insurance issued under this subsection shall be based on interest at the rate of $3\frac{1}{2}$ per centum per annum; (7) the insurance shall include such other changes in terms and conditions as the Administrator determines to be reasonable and practicable; (8) the insurance and any total disability income provision attached thereto shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited to a revolving fund established in the Treasury of the United States and the payments on such insurance and total disability income provision shall be made directly from such fund.

Revolving fund.

“(c) If the applicant’s service-connected disability or disabilities render him uninsurable according to the standards of good health established by the Administrator, or if the applicant has a non-service-connected disability which renders him uninsurable according to the standards of good health established by the Administrator and such person establishes to the satisfaction of the Administrator that he is unable to obtain commercial life insurance at a substandard rate and such uninsurability existed as of the date of approval of this section, the insurance granted under this section shall be issued upon the same terms and conditions as are contained in standard policies of National Service Life Insurance, except (1) five-year level premium term insurance may not be issued; (2) the premiums charged for the insurance issued under this subsection shall be increased at the time of issue by such an amount as the Administrator determines to be necessary for sound actuarial operations and thereafter such premiums may be adjusted from time to time as the Administrator determines to be necessary; for the purpose of any increase at time of issue or later adjustment the service-connected group and the non-service-connected group may be separately classified; (3) an additional premium to cover administrative costs to the Government as determined by the Administrator at the time of issue shall be charged for insurance issued under this subsection and for any total disability income provision attached thereto (for which the insured may subsequently become eligible) and thereafter such costs may be adjusted as the Administrator determines to be necessary but at intervals of not less than five years and for this purpose the service-connected and non-service-connected can be separately classified; (4) the insurance and any total disability income provision attached thereto shall be on a nonparticipating basis; (5) all settlements on policies involving annuities shall be calculated on the basis of The Annuity Table for 1949; (6) all calculations in connection with insurance issued under this subsection shall be based on interest at the rate of $3\frac{1}{2}$ per centum per annum; (7) the insurance shall include such other changes in terms and conditions as the Administrator determines to be reasonable and practicable; (8) all premiums and other collections on the insurance and any total disability income provision attached thereto shall be credited to the National Service Life Insurance appropriation, and the payments on such insurance and total disability income provision shall be made directly from such appropriation. Appropriations necessary to carry out the provisions of this subsection are hereby authorized.

“(d) (1) There is authorized to be appropriated such sums as may be required to provide capital for the revolving fund to carry out the purpose of subsection (b) of this section. Such appropriations shall be advanced to the revolving fund as needed and shall bear interest as determined by the Secretary of the Treasury, taking into considera-

Appropriation.

tion the average yield on all marketable interest-bearing obligations of the United States of comparable maturities then forming a part of the public debt and shall be repaid to the Treasury over a reasonable period of time.

“(2) The Administrator is authorized to set aside out of the revolving fund established under subsection (b) of this section such reserve amounts as may be required under accepted actuarial principles to meet all liabilities on insurance issued under subsection (b) of this section and any total disability income provision attached thereto. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligation shall be the multiple of one-eighth of 1 per centum nearest such market yield.

72 Stat. 1165.
38 USC 782.

“(3) Notwithstanding the provisions of section 782 of this title, the Administrator shall, from time to time, determine the administrative costs to the Government which in his judgment are properly allocable to insurance issued under this section and any total disability income provision attached thereto, and shall transfer from the revolving fund, or the National Service Life Insurance appropriation, as appropriate, the amount of such cost allocable to the Veterans' Administration to the appropriation 'General Operating Expenses, Veterans' Administration', and the remainder of such cost to the general fund receipts in the Treasury. The initial administrative costs of issuing insurance under this section and any total disability income provision attached thereto shall be so transferred over such period of time as the Administrator determines to be reasonable and practicable.

“(e) Notwithstanding the provisions of section 782 of this title, a medical examination (including any supplemental examination or tests) when required of an applicant for issuance of insurance under this section or any total disability income provisions attached thereto shall be at the applicant's own expense by a duly licensed physician.

72 Stat. 1111.

“(f) No insurance shall be granted under this section to any person referred to in section 107 of this title or to any person while on active duty or active duty for training under a call or order to such duty for a period of thirty-one days or more.”

Insurance plans.

(b) Section 704 of title 38, United States Code, is amended (1) by inserting “(a)” immediately before “Insurance”; and (2) by adding at the end thereof the following:

“(b) Under such regulations as the Administrator may promulgate a policy of participating insurance may be converted to or exchanged for insurance issued under this subsection on a modified life plan. Insurance issued under this subsection shall be on the same terms and conditions as the insurance which it replaces, except (1) the premium rates for such insurance shall be based on the 1958 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 3 per centum per annum; (2) all cash, loan, paid-up, and extended values shall be based on the 1958 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 3 per centum per annum; and (3) at the end of the day preceding the sixty-fifth birth-

day of the insured the face value of the modified life insurance policy or the amount of extended term insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in premium.

“(c) Under such regulations as the Administrator may promulgate, a policy of nonparticipating insurance may be converted to or exchanged for insurance issued under this subsection on a modified life plan. Insurance issued under this subsection shall be on the same terms and conditions as the insurance which it replaces, except that (1) term insurance issued under section 621 of the National Service Life Insurance Act of 1940 shall be deemed for the purposes of this subsection to have been issued under section 723(b) of this title; and (2) at the end of the day preceding the sixty-fifth birthday of the insured the face value of the modified life insurance policy or the amount of extended term insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in premium. Any person eligible for insurance under section 722(a), or section 725 of this title may be granted a modified life insurance policy under this subsection which, subject to exception (2) above, shall be issued on the same terms and conditions specified in section 722(a) or section 725, whichever is applicable.

65 Stat. 36;
72 Stat. 1272.

72 Stat. 1155.

“(d) Any insured whose modified life insurance policy is in force by payment or waiver of premiums on the day before his sixty-fifth birthday may upon written application and payment of premiums made before such birthday be granted National Service Life Insurance, on an ordinary life plan, without physical examination, in an amount of not less than \$500, in multiples of \$250, but not in excess of one-half of the face amount of the modified life insurance policy in force on the day before his sixty-fifth birthday. Insurance issued under this subsection shall be effective on the sixty-fifth birthday of the insured. The premium rate, cash, loan, paid-up, and extended values on the ordinary life insurance issued under this subsection shall be based on the same mortality tables and interest rates as the insurance issued under the modified life policy. Settlements on policies involving annuities on insurance issued under this subsection shall be based on the same mortality or annuity tables and interest rates as such settlements on the modified life policy. If the insured is totally disabled on the day before his sixty-fifth birthday and premiums on his modified life insurance policy are being waived under section 712 of this title or he is entitled on that date to waiver under such section he shall be automatically granted the maximum amount of insurance authorized under this subsection and premiums on such insurance shall be waived during the continuous total disability of the insured.”

(c) The analysis of subchapter I of chapter 19 of title 38, United States Code, is amended by adding at the end thereof the following:

“725. Limited period for acquiring insurance.”

(d) The amendments made by this section shall take effect as of the first day of the first calendar month which begins more than six calendar months after the date of enactment of this Act.

Effective date.

Approved October 13, 1964.

Public Law 88-665

AN ACT

October 16, 1964
[S. 3060]

To amend and extend the National Defense Education Act of 1958 and to extend Public Laws 815 and 874, Eighty-first Congress (federally affected areas).

National De-
fense Education
Act Amendments,
1964.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Defense Education Act Amendments, 1964."

TITLE I—AMENDMENTS OF TITLE I

AMENDMENT OF STATEMENT OF FINDINGS

72 Stat. 1581.
20 USC 401.

SEC. 101. The second sentence of the second paragraph of section 101 of the National Defense Education Act of 1958 is amended by striking out "which have led to an insufficient proportion of our population educated in science, mathematics, and modern foreign languages and trained in technology".

SCHOOLS OF NURSING

20 USC 403.

SEC. 102. The second sentence of section 103(b) of the National Defense Education Act of 1958 is amended by striking out "private" and by striking out "(3),", and by inserting before the period at the end thereof the following: "; and includes any school of nursing as defined in subsection (1) of this section".

ADDITIONAL DEFINITIONS

SEC. 103. Section 103 of such Act is amended by adding at the end thereof the following:

"(l) The term 'school of nursing' means a public or other nonprofit collegiate or associate degree school of nursing.

"(m) The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively an accredited program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing.

"(n) The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively an accredited two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree.

"(o) The term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education."

TITLE II—AMENDMENTS OF TITLE II

APPROPRIATIONS AUTHORIZED

77 Stat. 415.
20 USC 421.

SEC. 201. The first sentence of section 201 of the National Defense Education Act of 1958 is amended by striking out "and \$135,000,000 for the fiscal year ending June 30, 1965, and such sums for the fiscal year ending June 30, 1966, and each of the next three fiscal years as may be necessary to enable students who have received loans for school years ending prior to July 1, 1965, to continue or complete their education" and inserting in lieu thereof "\$163,300,000 for the fiscal year ending June 30, 1965, \$179,300,000 for the fiscal year ending June

30, 1966, \$190,000,000 for the fiscal year ending June 30, 1967, and \$195,000,000 for the fiscal year ending June 30, 1968, and such sums for the fiscal year ending June 30, 1969, and each of the next three fiscal years as may be necessary to enable students who have received loans for school years ending prior to July 1, 1968, to continue or complete their education”.

ALLOTMENTS TO STATES

SEC. 202. Section 202 of the National Defense Education Act of 1958 is amended by striking out “1965” wherever it appears therein and inserting in lieu thereof “1968”.

72 Stat. 1583;
77 Stat. 416.
20 USC 422.

PAYMENT OF FEDERAL CAPITAL CONTRIBUTIONS

SEC. 203. Effective with respect to fiscal years beginning after June 30, 1964, section 203 of the National Defense Education Act of 1958 is further amended by striking out subsection (b) and by striking out “(a)” after “SEC. 203.”.

20 USC 423.

CONDITIONS OF AGREEMENTS

SEC. 204. (a) Paragraph (4) of section 204 of the National Defense Education Act of 1958 is amended to read as follows:

20 USC 424.

“(4) provide that in the selection of students to receive loans from such student loan fund special consideration shall be given to students with a superior academic background; and”.

(b) The amendment made by subsection (a) of this section shall apply to the selection of students under title II of the National Defense Education Act of 1958 made in or after the second month following the month in which this Act is enacted.

20 USC 421-
429.

TERMS OF LOANS

SEC. 205. (a) Subsection (a) of section 205 of the National Defense Education Act of 1958 is amended to read as follows:

20 USC 425.

“(a) The total of the loans for any academic year or its equivalent, as determined under regulations of the Commissioner, made by institutions of higher education from loan funds established pursuant to agreements under this title may not exceed \$2,500 in the case of any graduate or professional student (as defined in regulations of the Commissioner), and may not exceed \$1,000 in the case of any other student. The aggregate of the loans for all years from such funds may not exceed \$10,000 in the case of any graduate or professional student (as so defined, and including any loans from such funds made to such person before he became a graduate or professional student), or \$5,000 in the case of any other student.”

(b)(1) Paragraph (1) of subsection (b) of such section 205 is amended to read as follows:

“(1) such a loan shall be made only to a student who (A) is in need of the amount of the loan to pursue a course of study at such institution, and (B) is capable, in the opinion of the institution, of maintaining good standing in such course of study, and (C) has been accepted for enrollment as a student in such institution or, in the case of a student already attending such institution, is in good standing there either as an undergraduate, graduate, or professional student, and (D) is carrying at least one-half the normal full-time academic workload as determined by the institution;”.

72 Stat. 1584.
20 USC 425.

(2) Paragraph (2) of such subsection (b) of such section 205 is amended by striking out "and (D)" and inserting in lieu thereof the following: "(D) the institution may provide that periodic installments need not be paid during any period or periods, aggregating not in excess of three years, during which the borrower is in part-time attendance at an institution of higher education taking courses which are creditable toward a degree, and may also provide that any such period shall not be included in determining the ten-year period during which the repayment must be completed, but interest shall continue to accrue during any such period, and (E)".

(3) Subparagraph (3) of such subsection (b) of such section 205 is amended to read as follows:

"(3) not to exceed 50 per centum of any such loan (plus interest) shall be canceled for service as a full-time teacher in a public or other nonprofit elementary or secondary school in a State, in an institution of higher education, or in an elementary or secondary school overseas of the Armed Forces of the United States, at the rate of 10 per centum of the amount of such loan plus interest thereon, which was unpaid on the first day of such service for each complete academic year of such service;"

(4) Paragraph (4) of subsection (b) of such section 205 is amended by inserting immediately before the semicolon at the end thereof the following: "in all cases except where the date on which repayment is to begin is suspended by reason of clause (D) of paragraph (2)".

20 USC 421-
429.

(c) The amendment made by subsection (a) shall apply for purposes of determining the amount of any loans under title II of the National Defense Education Act of 1958 for academic years beginning after the date of enactment of this Act. The amendments made by paragraphs (2) and (4) of subsection (b) shall apply to any loan (under an agreement under title II of the National Defense Education Act of 1958) outstanding on the date of enactment of this Act only with the consent of the institution which made the loan. The amendment made by paragraph (3) of subsection (b) shall apply with respect to service performed during academic years beginning after the enactment of this Act, whether the loan was made before or after such enactment.

DISTRIBUTION OF ASSETS FROM STUDENT LOAN FUNDS

77 Stat. 416.
20 USC 426.

SEC. 206. Section 206 of the National Defense Education Act of 1958 is amended by striking out "1969" wherever it appears therein and inserting in lieu thereof "1972".

TITLE III—AMENDMENTS OF TITLE III

EXTENSION OF TITLE

20 USC 441-
445.

SEC. 301. Title III of the National Defense Education Act of 1958 is amended by striking "TITLE III—FINANCIAL ASSISTANCE FOR STRENGTHENING SCIENCE, MATHEMATICS, AND MODERN FOREIGN LANGUAGE INSTRUCTION" as it appears as the heading of that title, and inserting in lieu thereof: "TITLE III—FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRUCTION IN SCIENCE, MATHEMATICS, MODERN FOREIGN LANGUAGES, AND OTHER CRITICAL SUBJECTS".

APPROPRIATIONS AUTHORIZED

SEC. 302. Section 301 of the National Defense Education Act of 1958 is amended to read as follows:

72 Stat. 1588;
77 Stat. 416.
20 USC 441.

“APPROPRIATIONS AUTHORIZED

“SEC. 301. There are hereby authorized to be appropriated \$70,000,000 for the fiscal year ending June 30, 1959, and for each of the five succeeding fiscal years, and \$90,000,000 for the fiscal year ending June 30, 1965, and for each of the three succeeding fiscal years, for (1) making payments to State educational agencies under this title for the acquisition of equipment and for minor remodeling, described in paragraph (1) of section 303(a), and (2) making loans authorized in section 305. There are also authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1959, and for each of the five succeeding fiscal years, and \$10,000,000 for the fiscal year ending June 30, 1965, and for each of the three succeeding fiscal years, for making payments to State educational agencies under this title to carry out the programs described in paragraph (5) of section 303(a).”

ALLOTMENTS TO STATES

SEC. 303. (a) The second sentence of subsection (a)(2) of section 302 of the National Defense Education Act of 1958 is amended by striking out “as soon as possible after the enactment of this Act, and again between July 1 and August 31 of 1959” and inserting in lieu thereof “between July 1 and August 31 of each even-numbered year beginning with calendar year 1964”.

20 USC 442.

(b) The third sentence of such subsection is amended to read as follows: “Each such promulgation shall be conclusive for each of the two fiscal years in the period July 1 next succeeding such promulgation, except that the ratios promulgated in 1959 shall be conclusive for each of the five fiscal years in the period beginning July 1, 1960, and ending June 30, 1965.”

(c) Effective with respect to allotments under subsection (b) of section 302 of such Act for fiscal years beginning after June 30, 1964, the third sentence of such subsection is amended by striking out “\$20,000” wherever it appears therein and inserting in lieu thereof “\$50,000”.

STATE PLANS

SEC. 304. (a) Clause (A) of section 303(a)(1) of the National Defense Education Act of 1958 is amended to read as follows: “(A) acquisition of laboratory and other special equipment (other than supplies consumed in use), including audiovisual materials and equipment, and printed and published materials (other than textbooks), suitable for use in providing education in science, mathematics, history, civics, geography, modern foreign language, English, or reading in public elementary or secondary schools, or both, and of testgrading equipment for such schools and specialized equipment for audiovisual libraries serving such schools, and such equipment may, if there exists a critical need therefor in the judgment of local school authorities, be used when available and suitable in providing education in other subject matter, and”.

20 USC 443.

(b) Paragraph (5) of section 303(a) is amended by striking out “and modern foreign languages” and inserting in lieu thereof “history, civics, geography, modern foreign languages, English, and reading”.

PAYMENTS TO STATES

72 Stat. 1589;
77 Stat. 417.
20 USC 444.

SEC. 305. The second sentence of subsection (b) of section 304 of such Act is amended by striking out "five" and inserting in lieu thereof "eight".

INTEREST RATES

20 USC 445.

SEC. 306. Paragraph (3) of subsection (b) of section 305 of such Act is amended by striking out "as of the last day of the month" and inserting in lieu thereof the following: "as computed at the end of the fiscal year next".

TITLE IV—FELLOWSHIPS

72 Stat. 1591;
77 Stat. 417.
20 USC 462.

SEC. 401. Effective July 1, 1964, section 402(a) of the National Defense Education Act of 1958 is amended to read as follows:

"NUMBER OF FELLOWSHIPS

"SEC. 402. (a) During the fiscal year ending June 30, 1965, the Commissioner is authorized to award not to exceed three thousand fellowships to be used for study in graduate programs at institutions of higher education, during the fiscal year ending June 30, 1966, he is authorized to award not to exceed six thousand such fellowships, and during each of the two succeeding fiscal years, he is authorized to award not to exceed seven thousand five hundred such fellowships. Such fellowships may be awarded for such period of study as the Commissioner may determine, but not in excess of three academic years, except that where a fellowship holder pursues his studies as a regularly enrolled student at the institution during periods outside the regular sessions of the graduate program of the institution, a fellowship may be awarded for a period not in excess of three calendar years."

AWARD OF FELLOWSHIPS AND APPROVAL OF INSTITUTIONS

20 USC 463.

SEC. 402. (a) The first sentence of subsection (a) of section 403 of the National Defense Education Act of 1958 is amended to read as follows: "Of the total number of fellowships authorized by section 402(a) to be awarded during a fiscal year (1) not less than one thousand five hundred of such fellowships awarded during the fiscal year ending June 30, 1965, and not less than one-third of such fellowships awarded during the three succeeding fiscal years shall be awarded to individuals accepted for study in graduate programs approved by the Commissioner under this section, and (2) the remainder shall be awarded on such bases as he may determine, subject to the provisions of subsection (c)." The second sentence of subsection (a) of such section is amended by striking out ", and" at the end of clause (2) and inserting in lieu thereof a period, and by striking out clause (3) thereof.

(b) Section 403(b) of such Act is amended by striking out "under this title" and inserting in lieu thereof "as described in clause (1) of subsection (a)", and by inserting before the period at the end thereof the following: ", and the Commissioner shall give consideration to such objective in determining the number of fellowships awarded under this title for attendance at any one institution of higher education".

(c) Section 403 of such Act is further amended by adding at the end thereof the following new subsections:

"(c) Recipients of fellowships under this title shall be persons who are interested in teaching, or continuing to teach, in institutions of higher education and are pursuing, or intend to pursue, a course of study leading to a degree of doctor of philosophy or an equivalent degree.

“(d) No fellowship shall be awarded under this title for study at a school or department of divinity. For the purposes of this subsection, the term ‘school or department of divinity’ means an institution, or department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.”

(d) The amendments made by this section shall become effective July 1, 1964.

FELLOWSHIP STIPENDS

SEC. 403. Section 404(a) of the National Defense Education Act of 1958 is amended (1) by striking out “after the baccalaureate degree”, and (2) by adding at the end thereof the following: “Where a person awarded a fellowship under this title for study at an institution of higher education pursues his studies as a regularly enrolled student at such institution during periods outside of the regular sessions of the graduate program of the institution, the Commissioner may make appropriate adjustments in his stipends and allowances for dependents.”

20 USC 464.

TITLE V—GUIDANCE, COUNSELING, AND TESTING; IDENTIFICATION AND ENCOURAGEMENT OF ABLE STUDENTS

APPROPRIATIONS AUTHORIZED

SEC. 501. Section 501 of the National Defense Education Act of 1958 is amended by striking out “and \$17,500,000 each for the fiscal year ending June 30, 1964, and the succeeding fiscal year,” and inserting in lieu thereof “\$17,500,000 for the fiscal year ending June 30, 1964, \$24,000,000 for the fiscal year ending June 30, 1965, \$24,500,000 for the fiscal year ending June 30, 1966, and \$30,000,000 for each of the two succeeding fiscal years.”

72 Stat. 1592;
77 Stat. 417.
20 USC 481.

STATE PLANS

SEC. 502. Paragraphs (1) and (2) of section 503(a) of the National Defense Education Act of 1958 are amended to read as follows:

20 USC 483.

“(1) a program for testing students in the public elementary and secondary schools of such State or in the public junior colleges and technical institutes of such State, and, if authorized by law, in other elementary and secondary schools and in other junior colleges and technical institutes in such State, to identify students with outstanding aptitudes and ability, and the means of testing which will be utilized in carrying out such program; and

“(2) a program of guidance and counseling at the appropriate levels in the public elementary and secondary schools or public junior colleges and technical institutes of such State (A) to advise students of courses of study best suited to their ability, aptitudes, and skills, (B) to advise students in their decisions as to the type of educational program they should pursue, the vocation they should train for and enter, and the job opportunities in the various fields, and (C) to encourage students with outstanding aptitudes and ability to complete their secondary school education, take the necessary courses for admission to institutions of higher education, and enter such institutions.”

PAYMENTS TO STATES

SEC. 503. (a) Section 504(a) of the National Defense Education Act of 1958 is amended by striking out “five” and inserting in lieu thereof “eight”.

20 USC 484.

20 USC 484.

(b) Section 504(b) of such Act is amended by striking out “, who are not below grade 7,” and by striking out “six” and inserting in lieu thereof “nine”, and by inserting after “schools” the first time it appears the following: “, or junior colleges or technical institutes,”.

JUNIOR COLLEGES AND TECHNICAL INSTITUTES

SEC. 504. Title V of the National Defense Education Act of 1958 is amended by inserting after section 504 the following new section:

“DEFINITIONS

“SEC. 505. For the purposes of this title, the term ‘junior colleges or technical institutes’ means (1) institutions of higher education which are organized and administered principally to provide a two-year program which is acceptable for full credit toward a bachelor’s degree, and (2) institutions which meet the requirements of clauses (1), (2), (4), and (5) of section 103(b) and are organized and administered principally to provide a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, and, if a branch of an institution of higher education offering four or more years of higher education, is located in a community different from that in which its parent institution is located.”

COUNSELING AND GUIDANCE TRAINING INSTITUTES

20 USC 491.

SEC. 505. Section 511 of such Act is amended to read as follows:

“AUTHORIZATION

“SEC. 511. (a) There are hereby authorized to be appropriated \$6,250,000 for the fiscal year ending June 30, 1959, \$7,250,000 for the fiscal year ending June 30, 1960, and for each of the eight succeeding fiscal years, to enable the Commissioner to arrange, through grants or contracts, with institutions of higher education for the operation by them of short-term or regular session institutes for advanced study, including study in the use of new materials, to improve the qualification of individuals who are engaged, or are teachers preparing to engage, in counseling and guidance of students in elementary or in secondary schools or in institutions of higher education, including junior colleges and technical institutes as defined in section 505.

“(b) Each individual who attends an institute operated under the provisions of this part shall be eligible (after application therefor) to receive a stipend at the rate of \$75 per week for the period of his attendance at such institute, and each such individual with one or more dependents shall receive an additional stipend at the rate of \$15 per week for each such dependent.”

TITLE VI—LANGUAGE DEVELOPMENT

EXTENSION OF TITLE

SEC. 601. (a) Section 601 of the National Defense Education Act of 1958 is amended by striking out “1965” wherever it appears therein and inserting in lieu thereof “1968”.

(b) Section 603 of such Act is amended to read as follows:

20 USC 513.

“APPROPRIATIONS AUTHORIZED

“SEC. 603. There are hereby authorized to be appropriated \$8,000,000 for the fiscal year ending June 30, 1964, \$13,000,000 for the fiscal year ending June 30, 1965, \$14,000,000 for the fiscal year ending June 30, 1966, \$16,000,000 for the fiscal year ending June 30, 1967, and \$18,000,000 for the fiscal year ending June 30, 1968, to carry out the provisions of this title.”

REPEALER

SEC. 602. Effective July 1, 1964, title VI of the National Defense Education Act of 1958 is amended by striking out the center heading “Part A—Centers and Research and Studies” and by striking out part B thereof.

TITLE VII—UTILIZATION OF TELEVISION, RADIO, MOTION PICTURES, AND RELATED MEDIA FOR EDUCATIONAL PURPOSES

EXTENSION OF PROGRAM

SEC. 701. Section 763 of the National Defense Education Act of 1958 is amended by striking out “six succeeding fiscal years” and inserting in lieu thereof “nine succeeding fiscal years”.

72 Stat. 1597;
77 Stat. 419.
20 USC 563.

TITLE VIII—MISCELLANEOUS

STATE ADMINISTRATION

SEC. 801. (a) Subparagraph (2) of section 1004(a) of the National Defense Education Act of 1958 is amended by inserting before the semicolon “and will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verifications of such reports”.

20 USC 584.

(b) Subparagraph (3) of such section 1004(a) is amended by inserting before the period at the end thereof “(including such funds paid by the State to the local educational agencies)”.

EXTENSION OF STATISTICAL SERVICES PROGRAM

SEC. 802. Section 1009(a) of the National Defense Education Act of 1958 is amended by striking out “six” and inserting in lieu thereof “nine”.

72 Stat. 1605;
77 Stat. 419.
20 USC 589.

TITLE IX—ADDITIONAL TITLE

SEC. 901. (a) The National Defense Education Act of 1958 is amended by adding at the end thereof the following new title:

“TITLE XI—INSTITUTES

“AUTHORIZATION OF INSTITUTES

“SEC. 1101. There are authorized to be appropriated \$32,750,000 for the fiscal year ending June 30, 1965, and each of the three succeeding fiscal years, to enable the Commissioner to arrange, through grants or contracts, with institutions of higher education for the operation by

them of short-term or regular session institutes for advanced study, including study in the use of new materials, to improve the qualification of individuals—

“(1) who are engaged in or preparing to engage in the teaching, or supervising or training of teachers, of history, geography, modern foreign languages, reading, or English in elementary or secondary schools,

“(2) who are engaged in or preparing to engage in the teaching of disadvantaged youth and are, by virtue of their service or future service in elementary or secondary schools enrolling substantial numbers of culturally, economically, socially, and educationally handicapped youth, in need of specialized training; except that no institute may be established under this title for teachers of disadvantaged youth unless such institute will offer a specialized program of instruction designed to assist such teachers in coping with the unique and peculiar problems involved in the teaching of such youth,

“(3) who are engaged as, or preparing to engage as, library personnel in the elementary or secondary schools, or as supervisors of such personnel, or

“(4) who are engaged as, or are preparing to engage as, educational media specialists.

“STIPENDS

“SEC. 1102. Each individual who attends an institute operated under the provisions of this title shall be eligible (after application therefor) to receive a stipend at the rate of \$75 per week for the period of his attendance at such institute, and each such individual with one or more dependents shall receive an additional stipend at the rate of \$15 per week for each such dependent.”

TITLE X—AMENDMENTS OF TABLE OF CONTENTS

SEC. 1001. The table of contents of the National Defense Education Act of 1958 is amended—

(1) by striking out

“TITLE III—FINANCIAL ASSISTANCE FOR STRENGTHENING SCIENCE, MATHEMATICS, AND MODERN FOREIGN LANGUAGE INSTRUCTION”

and inserting in lieu thereof

“TITLE III—FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRUCTION IN SCIENCE, MATHEMATICS, MODERN FOREIGN LANGUAGES, AND OTHER CRITICAL SUBJECTS”;

(2) by inserting after

“Sec. 504. Payments to States.”

the following:

“Sec. 505. Definitions.”;

(3) by striking out

“PART A—CENTERS AND RESEARCH AND STUDIES”;

(4) by striking out

“PART B—LANGUAGE INSTITUTES

“Sec. 611. Authorization.”;

(5) by inserting at the end thereof the following:

“TITLE XI—INSTITUTES

“Sec. 1101. Authorization of institutes.

“Sec. 1102. Stipends.”

TITLE XI—FEDERALLY AFFECTED AREAS

AMENDMENTS TO PUBLIC LAW 815

SEC. 1101. (a) The first sentence of section 3 of the Act of September 23, 1950, as amended (20 U.S.C. 631–645), is amended by striking out “1965” and inserting in lieu thereof “1966”. 72 Stat. 548;
77 Stat. 419.

(b) Subsection (b) of section 14 of such Act is amended by striking out “1965” each time it appears therein and inserting in lieu thereof “1966”.

(c) Paragraph (13) of section 15 of such Act is amended by inserting “the District of Columbia,” after “Guam,”.

(d) Paragraph (15) of section 15 of such Act is amended by striking out “1962–1963” and inserting in lieu thereof “1963–1964”.

AMENDMENTS TO PUBLIC LAW 874

SEC. 1102. (a) Sections 2(a), 3(b), and 4(a) of the Act of September 30, 1950, as amended (20 U.S.C. 236–244), are each amended by striking out “1965” each place where it appears and inserting in lieu thereof “1966”. 64 Stat. 1100;
77 Stat. 419.

(b) Section 9(8) of such Act is amended by inserting “the District of Columbia,” after “Guam,”.

COMPREHENSIVE STUDY

SEC. 1103. The Commissioner of Education shall submit to the Secretary of Health, Education, and Welfare for transmission to the Congress on or before June 30, 1965, a full report of the operation of Public Laws 815 and 874, as extended by this Act, and his recommendations as to what amendments to such laws should be made if they are further extended.

Report to
Congress.

Approved October 16, 1964.

Public Law 88-666

October 16, 1964
[H. R. 12259]

AN ACT

To amend the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of nationals of the United States against the Government of Cuba.

International
Claims Settlement
Act, amendment.
64 Stat. 12;
72 Stat. 527.
22 USC 1621
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Claims Settlement Act of 1949 is amended by adding at the end thereof the following new title:

"TITLE V

"PURPOSE OF TITLE

Cuba.
Claims of U.S.
nationals.

"SEC. 501. It is the purpose of this title to provide for the determination of the amount and validity of claims against the Government of Cuba which have arisen out of debts for merchandise furnished or services rendered by nationals of the United States without regard to the date on which such merchandise was furnished or services were rendered or which have arisen since January 1, 1959, out of nationalization, expropriation, intervention, or other takings of, or special measures directed against, property of nationals of the United States, and claims for disability or death of nationals of the United States arising out of violations of international law by the Government of Cuba, in order to obtain information concerning the total amount of such claims against the Government of Cuba on behalf of nationals of the United States. This title shall not be construed as authorizing an appropriation or as any intention to authorize an appropriation for the purpose of paying such claims.

"DEFINITIONS

"SEC. 502. For the purposes of this title:

"(1) The term 'national of the United States' means (A) a natural person who is a citizen of the United States, or (B) a corporation or other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity. The term does not include aliens.

"(2) The term 'Commission' means the Foreign Claims Settlement Commission of the United States.

"(3) The term 'property' means any property, right, or interest, including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

"(4) The term 'Government of Cuba' includes the government of any political subdivision, agency, or instrumentality thereof.

"RECEIPT OF CLAIMS

"SEC. 503. (a) The Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising out of debts for merchandise furnished or services rendered by nationals of the United

States without regard to the date on which such merchandise was furnished or services were rendered or arising since January 1, 1959, for losses resulting from the nationalization, expropriation, intervention, or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States, if such claims are submitted to the Commission within such period specified by the Commission by notice published in the Federal Register (which period shall not be more than eighteen months after such publication) within sixty days after the enactment of this title or of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title, whichever date is later. In making the determination with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission shall take into account the basis of valuation most appropriate to the property and equitable to the claimant, including but not limited to, (i) fair market value, (ii) book value, (iii) going concern value, or (iv) cost of replacement.

Publication in
Federal Register.

“(b) The Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959, for disability or death resulting from actions taken by or under the authority of the Government of Cuba, if such claims are submitted to the Commission within the period established by the Commission under subsection (a), or within six months after the date the claims first arose (as determined by the Commission), whichever date last occurs.

“OWNERSHIP OF CLAIMS

“SEC. 504. (a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

“(b) A claim for disability under section 503(b) may be considered if it is filed by the disabled person or by his successors in interest; and a claim for death under section 503(b) may be considered if filed by the personal representative of decedent's estate or by a person or persons for pecuniary losses and damage sustained on account of such death. A claim shall not be considered under this section unless the disabled or deceased person was a national of the United States at the time of injury or death and if considered, shall be considered only to the extent the claim has been held by a national or nationals of the United States continuously until the date of filing with the Commission.

“CORPORATE CLAIMS

“SEC. 505. (a) A claim under section 503(a) of this title based upon an ownership interest in any corporation, association, or other entity which is a national of the United States shall not be considered.

“(b) A claim under section 503(a) of this title based upon a direct ownership interest in a corporation, association, or other entity for loss shall be considered, subject to the other provisions of this title, if such corporation, association, or other entity on the date of the loss was not a national of the United States, without regard to the per centum of ownership vested in the claimant.

"(c) A claim under section 503(a) of this title based upon an indirect ownership interest in a corporation, association, or other entity for loss shall be considered, subject to the other provisions of this title, only if at least 25 per centum of the entire ownership interest thereof at the time of such loss was vested in nationals of the United States.

"(d) The amount of any claim covered by subsection (b) or (c) of this section shall be calculated on the basis of the total loss suffered by such corporation, association, or other entity, and shall bear the same proportion to such loss as the ownership interest of the claimant at the time of loss bears to the entire ownership interest thereof.

"OFFSETS

"SEC. 506. In determining the amount of any claim, the Commission shall deduct all amounts the claimant has received from any source on account of the same loss or losses: *Provided*, That the deduction of such amounts shall not be construed as divesting the United States of any rights against the Government of Cuba for the amounts so deducted.

"ACTION OF COMMISSION WITH RESPECT TO CLAIMS

"SEC. 507. (a) The Commission shall certify to each individual who has filed a claim under this title the amount determined by the Commission to be the loss or damage suffered by the claimant which is covered by this title. The Commission shall certify to the Secretary of State such amount and the basic information underlying that amount, together with a statement of the evidence relied upon and the reasoning employed in reaching its decision.

"(b) The amount determined to be due on any claim of an assignee who acquires the same by purchase shall not exceed (or, in the case of any such acquisition subsequent to the date of the determination, shall not be deemed to have exceeded) the amount of the actual consideration paid by such assignee, or in case of successive assignments of a claim by any assignee.

"TRANSFER OF RECORDS

"SEC. 508. The Secretary of State shall transfer or otherwise make available to the Commission such records and documents relating to claims authorized by this title as may be required by the Commission in carrying out its functions under this title.

"APPLICATION OF OTHER LAWS

"SEC. 509. To the extent they are not inconsistent with the provisions of this title, the following provisions of title I of this Act shall be applicable to this title: Subsections (b), (c), (d), (e), (h), and (j) of section 4; subsection (f) of section 7:

"SETTLEMENT PERIOD

"SEC. 510. The Commission shall complete its affairs in connection with the settlement of claims pursuant to this title not later than three years following the final date for the filing of claims as provided in section 503(a) of this title or following the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title, whichever date is later.

“APPROPRIATIONS AND VESTING AND LIQUIDATION OF CUBAN PROPERTY

“SEC. 511. (a) There are hereby authorized to be appropriated such sums, not to exceed the aggregate amount of the net proceeds realized from the sale or liquidation of the property of the Government of Cuba pursuant to subsection (b) of this section, as may be necessary to enable the Commission and the Treasury Department to pay administrative expenses incurred in carrying out their functions under this title.

“(b) Any property of the Government of Cuba which was blocked in accordance with the Cuban assets control regulations, July 8, 1963 (31 C.F.R., part 515, et seq.), and which remains so blocked six months following the date of enactment of this title shall vest in such officer or agency as the President may from time to time designate upon such terms as the President or his designee shall direct. Such property shall be sold or otherwise liquidated as expeditiously as possible after vesting under such rules and regulations as the President or his designee may prescribe. So much of the net proceeds remaining upon completion of the liquidation thereof as may be necessary shall be used to reimburse the Government of the United States for expenses incurred by the Commission and by the Treasury Department in the administration of this title. Any proceeds remaining thereafter shall be covered into the Treasury to the credit of miscellaneous receipts.

“FEES FOR SERVICES

“SEC. 512. No remuneration on account of any services rendered on behalf of any claimant in connection with any claim filed with the Commission under this title shall exceed 10 per centum of so much of the total amount of such claim, as determined under this title, as does not exceed \$20,000, plus 5 per centum of so much of such amount, if any, as exceeds \$20,000. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be fined not more than \$5,000 or imprisoned not more than twelve months, or both.

“SEPARABILITY

“SEC. 513. If any provision of this Act, or the application thereof to any person or circumstances, shall be held invalid, the remainder of the Act, or the application of such provision to other persons or circumstances, shall not be affected.”

Approved October 16, 1964.